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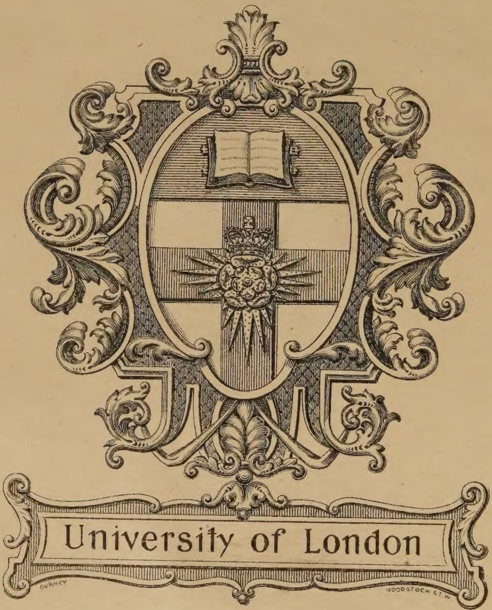
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HANSARD'S PARLIAMENTARY DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

3° VICTORIÆ, 1840.

VOL. LV.

COMPRISING THE PERIOD FROM

THE TWENTY-THIRD DAY OF JUNE,

TO

THE ELEVENTH DAY OF AUGUST, 1840.

Fifth Volume of the Session.

LONDON:

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AND BALDWIN AND CRADOCK; DOLMAN; LONGMAN AND CO.; J. M. RICHARDSON; ALLEN AND CO.; J. HATCHARD AND SON; J. RIDGWAY; E. JEFFERY AND SON; J. RODWELL; CALKIN AND BUDD; R. H. EVANS, J. BIGG; J. BOOTH.

1840.

LONDON :
THOMAS CURSON HANSARD, PATERNOSTER-ROW.

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HANSARD'S

PARLIAMENTARY DEBATES,

DURING THE *THIRD SESSION* OF THE *THIRTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET AT WESTMINSTER, 16TH JANUARY, 1840, IN THE THIRD YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

FIFTH AND LAST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, June 23, 1840.

MINUTES.] Bills. Read a first time:—Timber Duties; Colonial Passengers; Admiralty.

Petitions presented. By the Lord Chancellor, from Solicitors in London, and various other places, for the Removal of the Law Courts from Westminster to Lincoln's-inn.—By the Marquess of Downshire, from the Presbyterian Congregations of Holyrood, and other places, against Non-Intrusion.—By the Bishop of Exeter, for the exclusion of Papists from Parliament.

POOR-LAW (IRELAND.] The Marquess of *Normanby* said, with reference to a notice of motion, given by a noble Marquess (Westmeath) for a select committee, to inquire into matters relating to the Poor-law Act in Ireland, which stood for Thursday next, that it would be impossible for Mr. Nicholls and other Gentlemen connected with the introduction of that measure into Ireland, whose conduct might perhaps be impugned, to appear at so short a notice. He would put it to the noble Marquess himself, whether he would feel justified in moving for a select committee, on so short a notice, of which he was not himself aware until he saw it on the paper. He hoped the noble Marquess would not persevere in his intention at that late period of the Session.

The Marquess of *Westmeath*, upon looking to the order book, saw no other open day but that which he had selected until Friday week. In the present state of the Session he hoped the noble Marquess would not ask him to put off his motion till the arrival of Mr. Nicholls. The question was one of pressing importance, and if he consented so to postpone his motion it would be thrown over for the present Session. He hoped that the Irish Poor Law would not be allowed to remain in its present state during the ensuing recess. That law had been basely and wickedly perverted to party purposes in Ireland, and the proceedings which had taken place under it ought to be investigated. He trusted, therefore, that the noble Marquess would allow him to proceed with his motion on Thursday. He had received many communications on the subject, urging him strongly not to postpone his motion.

The Marquess of *Normanby* said, the more convenient course would be for the noble Marquess to take an open day for stating any general objections which he might entertain against this measure. It ought to be recollected, when they were called on to consider this subject, that Mr. Nicholls had a very difficult and delicate task to perform, and that his efforts were likely to be checked and discouraged by such a proceeding as the noble Marquess contemplated. All, however, that he required, on the part of Mr. Nicholls was, that fair time should be given for the production of full information on all matters connected with his proceedings.

Lord *Ellenborough* was not aware, whether the noble Marquess near him meant to impugn the conduct of Mr. Nicholls as wrong, or whether his object was to shew that the Poor-law itself was bad? If the latter, there was nothing to prevent him from bringing in a bill to amend the law; and, on the second reading, he might go into the whole subject. There was a very great difference between bringing charges against individuals, and introducing a bill to amend or to repeal another measure.

The Marquess of *Westmeath*, if he was sure of carrying a bill through that House, and more particularly through the House of Commons, for altering the Irish Poor-law, would most certainly propose it at once. But he did not flatter himself with any such assurance. His idea at present, therefore, was, that a committee should be appointed to consider the question, and, if the noble Marquess wished it, he would postpone his motion till Friday week.

The Earl of *Wicklow* said, they were now past the middle of June, and he would ask his noble Friend did he think it at all likely that a committee appointed at so late a period could make such a report, as that any bill could possibly result from their labours this Session? This, too, was the most critical moment at which the law could be attacked, when it had been so recently brought into operation. The greatest possible inconvenience would result from pursuing such a course, and he thought the most judicious mode would be for his noble Friend not to persevere in his motion for a committee.

The Marquess of *Westmeath* said, the bill was working as ill as it possibly could, and, if it were allowed to go on in the same way during another recess, the worst consequences might be apprehended. Why might not an inquiry take place, so that the law might be amended on particular points? As the law now stood, in many instances the Roman Catholic priests ran away with the elections of guardians. Why should not this defect in the measure be corrected? He conceived it to be his duty to bring the subject fully before the House. The system now acted on could not, and ought not, to be allowed to go on even for three months longer.

Lord *Brougham* was opposed to the appointment of a committee to consider of this law. It should be recollected, that the law was now only early in the course of operation, and the formation of a committee must necessarily have the effect of preventing it from having any fair play whatever. The effect of appointing a committee would be neither more nor less than putting the bill on its trial before it had been a sufficient time in operation to judge of it fairly.

Lord *Ellenborough* was sorry that parties, actuated by religious feelings or prejudices, should interfere in those elections. But how could they expect to ameliorate the situation of Ireland, in that respect, or in any other matter connected with the law, by going into committee at this period of the Session? They must hear both parties. And when the noble Marquess talked of the influence of priests, his opponents would speak of influence on the other side. Thus, the statements made before the committee, upon which it would be impossible to frame any measure this Session, would, during six months of the recess, be the subject of angry discussion in Ireland. Would that, he begged leave to ask, be conducive to the tranquillity of Ireland, or to the successful working of the bill? His conviction was, whatever was the ground on which the noble Marquess wished to call for a committee, that such a proceeding would only lead to aggravation of public feeling in Ireland—the very thing that was most to be avoided.

The Marquess of *Westmeath* was prepared to shew that the power of rating under the Poor Law, as connected with the Reform Bill, was greatly abused. He could prove that many evils arose out of the system. These points might be considered, and the committee might declare what should be done, or whether nothing should be done. He should not be doing justice to numerous parties who had applied to him on the subject if he did not bring it forward this Session.

Lord *Ellenborough* said, that, with respect to rating, there was a power of appeal under the act. If those who now complained had not appealed, they had no right to come before Parliament. If they had appealed, and could shew that the law was defective, then certainly they might apply to the Legislature. He had read the clause with attention, great pains had been taken with it, and if the parties could not shew that it was ineffectual for their protection, they had no right to come to that House.

Subject dropped.

ANGLO-SPANISH LEGION.] The Marquess of *Londonderry* wished to asked the noble Viscount a question, having reference to a motion of his relative to the unfortunate officers of the Anglo-Spanish Legion, which stood on the order book for Thursday next. He wished to received some information from the noble Viscount as to the progress of the negotiation for settling the claims of those officers. He had now, since April last, earnestly urged the claims of those unfortunate persons who, for three years, had been endeavouring to procure what was justly due to them. Those individuals still hoped, from had passed in that House, that justice would at length be rendered to them. He strongly felt the propriety of their claims; and he hoped that the Session would not be allowed to pass, without some decisive statement from the noble Viscount that their demands would be liquidated. If the noble Viscount would give an assurance of that nature, he should most readily withdraw his motion which stood for Thursday. He had heard a report, that a promise had been given for a speedy payment of 50,000*l.*, and a farther advance of 50,000*l.* by instalments. If the noble Viscount had any communication, or information of that kind to justify him in withdrawing his motion, he should be glad to hear it. He saw that the claims of the Portuguese officers had been favourably considered and dealt with, and it was a great reproach to the Government that the equally just claims of the unfortunate men, who had formed the Anglo-Spanish legion, had been not long since settled. He called on the noble Viscount to state distinctly in what position the negotiation now stood.

Viscount *Melbourne* was happy to be able to reply that the negotiation was very near its termination. There had been no payment as yet in money, but bills had been received in London. He could also add, that he was satisfied with the negotiation, so far as it had gone.

The Marquess of *Londonderry* said, that that declaration of the noble Viscount was satisfactory. The justice of the claims had been acknowledged by the course which her Majesty's Government had taken. He, therefore, begged leave to withdraw the notice of the motion which he had given for Thursday next, but would bring it forward again before the end of the Session, unless the satisfactory statement of noble Viscount were carried into effect.

ADMINISTRATION OF JUSTICE IN IRELAND.] The Marquess of *Westmeath* had a short statement to make to their Lordships, pursuant to notice, connected with the administration of justice in Ireland. His object was to obtain authentic information, in the shape of documents, connected with a transaction of which he understood the following to be the fact:— A Roman Catholic priest, in the county of Cavan, the Rev. Philip O'Reilly, by name, of the parish of Ballymacue, had chosen to indulge (what was not uncommon in Ireland) in very insulting language from the altar, against any person who might presume to take some land. The words which the priest used were, that,

> "He, who would take this land, ought to have his ears cut off, like a pig's, or an ass's."

There were present at the delivery of this sermon, two Roman Catholic policemen, who, in the execution of their duty, laid an information before some magistrates in the neighbourhood. Instead of acting upon it and issuing a warrant, these magistrates forwarded the information, as he understood, to the Government to learn what they should do. The information was returned to the court of magistrates, recommending that the business should be hushed up. A proposal was made to the priest to pay 50*l.*, he supposed to be divided amongst the parties. A magistrate, whose name he would not now mention, proposed that the affair should be submitted to arbitration, and the sworn information was cushioned. It was necessary for either the magistrates, or the Government, or both, to account for this matter. The greatest jealousy and alarm prevailed in Ireland in consequence of the favour which was shown to Roman Catholic priests. A most remarkable interchange of good offices was constantly taking place between them and the Government, who were in a great measure indebted to them for place and power, and the priests availed themselves of this to confirm their influence. The result of all this, as evidenced in the continual application for mitigation of sentences, was mischievous to a degree which Englishmen could not imagine. He would refer to a few cases, to show the great partiality which had been shown by the Government to Roman Catholic priests. About seven years ago, a case had occurred at the Cork assizes. A Roman Catholic priest, named Burke, suborned a witness to swear against the gaoler of Macroom for the crime of murder. The witness broke down on his cross-examination, confessed that priest Burke had suborned him to swear away the man's life, and the judge made use of these remarkable expressions:—

> "He congratulated the jury and himself, that they had not been brought to the commission of a legal murder."

The man was acquitted, the priest escaped from justice, and staid away three years. He was subsequently apprehended through the exertions of Captain Vignolles, whose name was familiar to their Lordships, as as having been dismissed by her Majesty's Government for a public service, while Captain Gleeson, who had conducted himself towards his superior officer in such a way, that, if he had been in the army, he would have been shot for it, had been appointed barrack-master. The priest was brought to trial, sentenced to three years' imprisonment, and fined 50*l.* for the offence. The judge expressed his regret, considering the enormity of the offence, that the law did not enable him to pass a more severe sentence. The three years' imprisonment he suffered, but when it came to the payment of the fine, the Government, imposed on by a statement that he was insolvent, reduced the fine to 20*l.* He begged to call the attention of the legal Lords to this case, and to ask whether there ought to have been the slightest mitigation in the punishment for this man's workmanship. At the Spring assizes of the present year, a Roman Catholic priest, named M'Call, was tried at the Fermanagh assizes for a brutal assault with a horsewhip. He was found guilty, and sentenced to three weeks' imprisonment, and to the payment of 20*l.* fine. He suffered the three weeks' imprisonment, but the Government went about in a comical way to compromise the remainder of the punishment. He was kept in gaol for three weeks longer, and the fine was reduced from 20*l.* to 40s. Such was the favour which had been shown to this individual, while other persons would have been kept at the tread-mill until they paid the money. The Roman Catholic population in Ireland had received the strongest countenance from the "heavy blow and great discouragement" policy; and they were, indeed, considered a very 'liberal' Government, that was to say, liberal of what did not belong to them. The favour shown by them to the Roman Catholic population had affected the Protestant population with a degree of the most serious alarm. The disgraceful conduct which the priests had latterly displayed, had never made its appearance until the college of Maynooth was established, since which time the priests were chosen from the dregs of the people. They were by no means entitled to the degree of favour which the Government had shown them. They took great credit to themselves for retrieving the Irish people from drunkenness. But how was this accomplished? By the poor friar, who thus outstripped the parochial clergy in the discharge of their own duties, and turned the people away from this abominable vice. Their Lordships would perceive from evidence lying on their table, and the noble Marquess (Normanby) must be aware from experience during his ovation in Ireland, that of the sentences remitted by the noble Marquess in nine cases, the applications had been signed by Roman Catholic priests. Into their hands, in short, the Protestants of Ireland felt that every thing was now thrown. The noble Marquess concluded by moving for

> "Copies of any report or reports made to the Irish Government relative to the conduct of the Rev. Philip O'Reilly, Roman Catholic priest, of the county of Cavan, and of informations exhibited against him by any of the constabulary police for his having used language of an inflammatory character in his chapel, and to the congregation there, inciting to acts of violence against any persons relative to the taking of land. Also copies of the informations, &c., exhibited against the said Mr. O'Reilly, or any other Roman Catholic priest implicated thereby in the same. Also, copies of all correspondence between the Irish Government and any magistrate, stipendiary or otherwise, attending the petty sessions of Ballymacue, in the county of Cavan, relative to this transaction. And also, copies of any report made to the Irish Government by any magistrate, stipendiary or otherwise, relative to the same."

The *Marquess of Normanby* said, the the noble Marquess opposite had concluded his speech by stating that, in his opinion, he had laid sufficient grounds for the production of the documents for which he had moved. If the noble Marquess was convinced that such was the case, he did not think that any other of their Lordships would also be convinced. The noble Marquess stated, that he wanted the production of papers, or an explanation of the particulars relative to the case which he had brought before their Lordships. He must refuse the papers, but would willingly give the particulars. He should state to their Lordships the real facts of the case, and he hoped on doing so, he should be able to convince them that they ought not to consent to the motion for the production of documents. The noble Marquess had said, that the Protestants ought to be protected, and in that opinion he fully agreed. The noble Marquess had said, that this was a question between Protestant and Roman Catholic, and that the cause of complaint had reference to the taking of land. Now, he could assure their Lordships, that this was not a question between Protestant and Roman Catholic, and that it had nothing whatever to do with land. The statements of the noble Marquess were, therefore, incorrect. Four-fifths of the speech of the noble Marquess was an attack on the Roman Catholic priests. At all events, this was a question, not between Protestant and Roman Catholic, but between Roman Catholic priest and Roman Catholic priest: and when he mentioned that fact, their Lordships would see how applicable the declaration was which the noble Marquess had, for, perhaps, the hundredth time, addressed to the House. He should simply state the facts to their Lordships. The noble Marquess said, that the papers relative to this case, had been laid before before the Government, and that the Government had declined to take any proceedings. The fact, however, was, that whatever had had been done, had been done not as the noble Marquess stated, by the Government of its own accord, but on the recommendation of the bench of magistrates, before whom the information had been laid, and who were perfectly acquainted with the real merits of the case. This was not only a a question between Roman Catholic priest and Roman Catholic priest, but it was also a question between two priests, both of the name of O'Reilly, while the person aggrieved was also one O'Reilly. It was perfectly true that Philip O'Reilly did use, not the language which the noble Marquess had quoted, but language exclusively improper, more particularly when the place where it was usedwas considered. He agreed with the noble Marquess, that such language ought to be discouraged, and that it was highly improper that such addresses should be made from the altar. He had, while in Ireland, always expressed himself strongly against such a course of proceeding, and he was aware that his noble Friend (the present Lord-lieutenant) had in every case discouraged such addresses to the people from the altar. The complaint which the noble Marquess had brought forward, had originated in a memorial, which had been addressed to the Government by the other priest, O'Reilly, not with reference to land, but as to the supposed right of his broker to the customs of a fair. It was the custom in Ireland for the person who had a right to the customs to stand in the fair "gap" as it was called, with a cudgel in one hand and a book in the other, not necessarily a bible, and unless those attending the fair declared on the book, that the custom had been paid, they were not admitted. Now, in the case which the noble Marquess had brought forward, it was the exercise of this right by the brother of the priest, which was the cause of complaint. A memorial on the subject was addressed to the Lord-lieutenant, and that memorial was forwarded to Mr. Little, a stipendiary magistrate. Mr. Little was a person well known to some of their Lordships, and had ever proved himself an efficient and impartial public officer. That magistrate was sitting in sessions with other two magistrates, viz., Mr. Morton, and a magistrate of the same name as the priests—another Mr. O'Reilly. These gentlemen heard the informations which had been laid in this case, and gave the matter the fullest consideration, and so far from Mr. Little having favoured Father O'Reilly, that person had actually complained to the Government of the conduct of the magistrate in having brought forward prematurely some portion of the evidence. These magistrates had made themselves fully acquainted with the whole facts of the case, and they were also perfectly aware of the state of the country, but they had all concurred in the recommendation which had been made to the Lord-lieutenant. They stated in their memorial that Father O'Reilly having acknowledged the language he had used to have been highly improper, and that as he had asked for mercy and given the most ample promise to abstain from such language in future, they considered under all the circumstances of the case that the law had been sufficiently vindicated. It was on that recommendation of the magistrates that the Government had acted. It was a mere exercise of the discretion of the Lord-lieutenant, who, after having consulted the law-officers of the Crown, had considered further proceedings in the case unnecessary. Having stated this much in explanation of the case which the noble Marquess had brought forward, and which he hoped would be satisfactory to their Lordships, he did not consider it necessary to go into the other cases to which the noble Marquess had alluded. As to the case of Father Burke, the whole time of his imprisonment had been allowed to expire, and the fine, he believed, had been paid. In the case of Father M'Call, the complaint seemed to be that that person had been confined three weeks beyond the time of his sentence, and such a proceeding could hardly be considered as an act of partiality to the Roman Catholics. He must say that he did not think the noble Marquess, by throwing out random charges against the Roman Catholics, pursued a course tending to insure the peace of the country, and for himself, he would never hear the Roman Catholic priests attacked without acknowledging the valuable assistance he had received from them while in Ireland. It appeared to him that this was not a case which ought to have been brought before their Lordships, and he hoped, after the explanation he had given, that they would not consent to the motion for the production of the papers for which the noble Marquess asked.

The Marquess of *Westmeath* had never witnessed a more signal failure than that of the noble Marquess, in the attempt which he had made to lay a foundation for refusing the production of those papers. The noble Marquess had admitted the whole case, and yet he refused to produce the documents by which alone their Lordships could judge of its merits. In his opinion, he had laid fair grounds for the production of those papers, and he should persist in his motion for their production.

Their Lordships then divided: Contents 18; Non-contents 19; Majority 1.

Motion lost.

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HOUSE OF COMMONS,

Tuesday, June 23, 1840.

MINUTES.] Bills. Read a first time:—Goods on Canals; Punishment of Death; Civil Bill Courts.—Read a third time:—Rated Inhabitants; Evidence; Boro' Watch Rates; Poor Clergy Maintenance; Admiralty Court.

Petitions presented. By Mr. M. Archdall, and Mr. Plumptre, from the Parishes of Trory, Drumcheeran, and Innismacsaint, in the county of Fermanagh, and other places, against any Grant to Maynooth College.

STANDING ORDERS—HOLYHEAD RAILWAY.] Lord *R. Grosvenor* begged the indulgence of the House, whilst he shortly stated the object of the motion, with reference to this line of railway, of which he had given notice. It would be in the recollection of the House that, originally there were two plans of railway communication brought before Parliament to connect London and Dublin. The one was proposed to go through Shrewsbury, so as to avoid the Menai Straits; the other was proposed to go from Chester, through Bangor, and on to Holyhead. The superiority of the latter line of railway had been proved by competent and impartial witnesses. Early in the last year, a large public meeting had been held in London; the result of which was, a request to the Government to appoint engineers to inquire into, and report upon the merits of the two competing lines. The Government thought the request reasonable, and a commission was issued, which, after able and strict inquiry, reported in favour of the Chester and Holyhead line. Unfortunately, that report was not laid on the table till the end of April, and if the House would not accede to his motion, the promoters of this bill would not be able to give the proper notices for next year, and would be compelled to wait till the year 1842. The first object of his motion was to suspend in this case the standing order which required notices to be given, and plans and sections to be deposited within a given time. When he reminded the house that many of the landowners along the line of road had petitioned in its favour, and that not one petition had been presented against it, he was sure that the House would not think it right to subject the promoters of this bill to any unnecessary delay. The second object of his motion was to suspend the standing order which required 10*l.* per cent, of the capital to be deposited in the Exchequer prior to the application to Parliament. He did not wish to say a single word as to the merits of this standing order, as he sought an exemption from it on the ground that this was a great national undertaking, which, if this particular standing order were to be rigidly persevered in, might be for a great length of time postponed, In the present state of the money market, there would be great difficulty in getting persons to deposit 200,000*l.* in the Exchequer, there to lie for a time useless; and moreover, it should be recollected that this line was far more likely to be taken up by those landowners connected with it than by speculators, as the probability was, that the profit arising from it would be remote. He would only further remind the House, that this railway, when completed, would effect a saving of 70,000*l.* a-year to the country, and on all these grounds he moved—"That the promoters of the proposed railway from Chester to Holyhead, be allowed to bring in a bill in the next Session of Parliament, for carrying the same into effect, on giving notices and depositing plans and sections, as required by the standing orders relating to other bills of the second class except railways; and that the standing order requiring a portion of the capital to be deposited in the Exchequer prior to the application to Parliament be dispensed with."

The question having been put,

Mr. *Green* resisted the application, on the ground that the Committee of Standing Orders had over and over again decided that those orders were absolutely essential for the protection of the public. There was no reason why they should be departed from in this instance. Unless the portion of the capital required by the orders, that is, 10 per cent., were deposited in the Exchequer, prior to the application to Parliament, the door would be opened to the formation of such visionary or fraudulent schemes as the order was designed to prevent.

Mr. *John Jarvis* said, that if this were a mere private speculation, or an ordinary railway, he might concur in the observation of the Gentleman who had last addressed the House. But this was a great national undertaking, by which the country would be relieved from great expense, and the Government and a large portion of the public would derive considerable advantage and convenience. The plan had been recommended by the Government Commissioners, who reported that it would save so much as seven hours in the communication between London and Dublin. The Commissioners, however, reported, at the same time, that it could not be undertaken with advantage by private capitalists, and ought, therefore, to be accomplished by the Government itself, as a matter of national importance. He asked, therefore, whether the House ought not to give every facility to private individuals who are willing to embark their capital in a speculation of such doubtful profit to themselves, and of so much advantage to the public, and especially to Ireland.

Mr. *Estcourt* admitted that the railway in question was a national undertaking. But so was every other railway. The proposition in question was altogether irregular, and he thought it would be absurd enough to give an hon. Member leave to bring in a bill in the next Session of Parliament. Let the application be made in the next Session of Parliament. It would be for that Session of Parliament to inquire whether the proper notices had been given, and whether the proper deposits had been made, and whether, in fact, the standing orders had been complied with; and if that were not the case, then would be the time to endeavour to induce the House to accede to the proposition now made. At present the House had no jurisdiction to enter into any transaction on behalf of the ensuing Session of Parliament.

Mr. *O'Connell* said, that he held in his hand a petition from the Chamber of Commerce of Dublin in favour of this bill, in which the petitioners called the particular attention to this as a national work. They further stated, that, by the union of the two countries, mischief had been done to Ireland, inasmuch as the excise and customs departments had been removed from Dublin to London, and it was therefore of the highest importance that not one moment's time should be lost in the communication between the two countries. For that purpose the petitioners prayed that this railroad might be proceeded with as soon as possible. He was glad to find from the arguments of the hon. Member for Lancaster (Mr. Greene), and the hon. Member for the University of Oxford (Mr. Estcourt), that there was no substantial objection to this motion. The one had shown that the motion could do no harm, because his objection to it did not apply. The other had stated that no mischief could possibly arise from agreeing to the motion, as they could not bind the next Session of Parliament. All the merits of the question were in favour of granting the motion, but a technical rule was against it. The interests of Ireland required that the motion should be granted, and yet a technical rule was to be triumphant.

There was actually an enthusiasm in favour of technical rules. The House had a right to shut out bubble speculations, and to prevent the country being cut up and injured by railways which there was no intention of finishing. These things it was that formed the foundation of the technical rule, and it was upon these grounds that the rule was made. But every one of these grounds failed in the present instance, so that they had a mere abstract right, without name or foundation, in the present instance, and yet it was to prevail. Oh! but for their consolation, they were told that they might apply in the next Session of Parliament. True, but they would not be able to give the proper notices unless leave was now given. Who, under these circumstances, would advance money, or engage in the necessary preparatory expenses? Some other grave and excellent and respectable gentleman would get up with his technical rule, and say that the 25th of March (the day for giving the notices) had not yet come; or if it passed, they would then be told that they must wait till the next Session. The real question was, whether the bill must be postponed till the Session of 1842 or not? He hoped the House would grant the indulgence sought for. It was confessed, it was indeed manifest, that no mischief could flow from it; and, under these circumstances, he did venture to hope, that although Ireland was so deeply interested as she was, a technical rule would not be allowed to weigh against the advantage of Ireland.

Mr. *Shaw* said, that, generally speaking, technical rules were useful, but he thought this was a case in which an exception might fairly be allowed.

Mr. *Labouchere* quite agreed with the hon. and learned Member for Dublin, that to establish a speedy communication between Dublin and London, was an object which, since the union, had become of an importance which he might fairly call pre-eminently and peculiarly a national one, and the House had shown at various times, that they entertained the same belief by the public money that had been advanced to facilitate that communication. He thought, however, that no good reason had been offered to the House why they should relax in favour of a private bill those standing orders which it had thought fit and proper to adopt for the protection of the public. The hon. and learned Member for Dublin said, he hoped they would not set up a mere technical rule against an object of great national utility. He would not do so if he did not believe that, in matters of this kind, not to adhere to a rule was not only an exceedingly inconvenient, but an exceedingly unjust course. It would be opening to parties who happened to have great Parliamentary influence in that House, an exemption which was not given to the public generally. The noble Lord had made two propositions in many respects different. They were to relax two standing orders, the first of which rendered it imperative upon parties to lodge certain notices in March, and it was said, that in consequence of the report of the commissioners not having been made until within a given time, if this indulgence were not granted, the bill must be deferred till 1842. There was a good deal of weight in that part of the argument. He had considered it with care, and he confessed that he came to the conclusion with some difficulty, but he must say, upon the whole, that the inclination of his opinion was, that the safest and best course was not to depart from the standing orders. He had heard Gentlemen, exceedingly interested in the communication between Scotland and England, support this motion, and he knew they would say what was justice to Ireland was justice to Scotland, and the arguments now adduced might be set up in favour of an exemption for the Edinburgh and London Railway, and he did not see how the House could, if they acceded to the present motion, refuse the other. Upon the whole, therefore, he thought it unadvisable to relax the standing orders. With regard to the other proposition, for remitting the payment of 10*l.* per cent. upon the capital, he had not a moment's doubt or hesitation. It might be right that the standing orders should be repealed. He did not think so, but still that would be a fair matter for discussion, but not to give the public the same protection in that respect with regard to one railway which they had in all others, he thought the height of injustice. He thought this a great national object, and he hoped that it contained sufficient advantages to induce the public to support it, but he thought that the public in general had the same right to protection in this case which they had in all others, and for these reasons he thought it would be exceedingly wrong to depart from the rule which had been laid down by the House.

Mr. *H. Hinde* did not see why the standing order should not be dispensed with in the present as in public works, such as the railway communication between this and Edinburgh. He thought, as a general principle, that every encouragement should be given to such works, for the sake of the employment they gave to thousands of the labouring poor.

Mr. *Warburton* would advise hon. Members to refuse this motion, unless they were prepared to relax the standing orders in every case. With respect to the general policy of this standing order, about which so much had been said, his belief was, that it would be a benefit to the real holders of railway stock, if subscription lists were prevented from coming into the market, unless the whole or the greater part of the shares was disposed of. If the House did not wish to see all the abuses which were formerly so fully exposed revived, they ought not to relax their standing order. If they did so in one instance, they must do so in all. If it were wished to have it totally repealed, let a motion for that purpose be made; but let not the order be relaxed in this one case, without any special reason assigned, which was only to be made a precedent for general relaxation.

Sir *R. Peel* concurred with the hon. Gentleman in thinking that it would not be expedient to relax the standing order with respect to contributions of ten per cent. It was necessary that the standing order, if it were to be maintained, should be general in its operation; yet, he confessed, he should be very sorry to see it enforced with respect to the two proposed lines of railway to Dublin and Edinburgh. He thought, however, if they relaxed the standing order in respect of the line of communication between London and Dublin, they would be bound in justice to do the same as regarded the line between London and Edinburgh. These great works would enable the representatives of the other two parts of the United Kingdom to have immediate access to the metropolis. This, however, was a very special case. He could hardly conceive greater public objects of this kind than would be attained by the one railway. He had read the report of the commissioners as to the different lines to Dublin, and the perusal had perfectly confirmed him in his opinion as to the policy of Government in appointing commissioners for the purpose of advising on the best line; for he had never read a more able or conclusive document. It had brought conviction to his mind, that the shortest line was that which they pointed out—namely, the Holyhead one, and that it should decidedly be preferred to others. Looking at the immense importance of the lines of which he spoke, he should be exceedingly sorry if the standing orders were enforced in those cases, at least so far as they opposed an obstacle to the commencement of the work next year. He must at the same time say, that he had the highest interest in coming to that conclusion. It was of the highest public importance that the House should maintain its character for the regular conduct of private business, but he thought that object would hardly be promoted if there were to be any combination of parties for the purpose of relaxing the rules established to secure that end. There was no pretence for asking public assistance towards the completion of the undertaking, as that would be effected by private speculation. An adherence to the rules laid down by the House would be advantageous both to individuals and the character of the House itself, and he must therefore, however reluctantly, come to the same conclusion as the hon. Gentleman opposite had done.

The *Attorney-general* said, if this railway at all partook of the nature of a job, he should agree with the right hon. Baronet; but the right hon. Baronet had himself shown, that no suspicion could attach to the proceedings of the House, if they should consent to make this case an exception to the general rule.

The House divided :— Ayes 110; Noes 120: Majority 10.

List of the Ayes.

Archbold, R.
Archdall, M.
Baines, E.
Barnard, E. G.
Bateson, Sir R.
Beamish, F. B.
Bell, M.
Bolling, W.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Byng, rt. hon. G. S.
Campbell, Sir J.
Cholmondeley, hon. H.
Collier, J.
Corbally, M. E.
Corry, hon. H.
Craig, W. G.
Dashwood, G. H.
Dennistoun, J.
Divett, E.

Dugdale, W. S.
Duncan, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Egerton, Sir P.
Ellice, E.
Evans, G.
Evans, W.
Ferguson, Sir R. A.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Gaskell, J. M.
Grattan, J.
Grattan, H.
Grimsditch, T.
Hall, Sir B.
Hector, C. J.
Hinde, J. H.
Hodges, T. L.
Hodgson, R.
Hoskins, K.
Howard, Sir R.
Hurst, R. H.
Hutton, R.
Jackson, Mr. Serjeant
Jervis, S.
Jones, J.
Langdale hon. C.
Langton, W. G.
Lefroy, rt. hon. T.
Lennox, Lord G.
Lister, E. C.
Lynch, A. H.
Macnamara, Major
M'Taggart, J.
Marsland, H.
Morris, D.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
Northland, Lord
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Neill, hon. J. B. R.
Paget, F.
Pattison J.
Perceval, hon. G. J.
Phillpots, J.
Pigot, D. R.
Ponsonby, hon. J.
Redington, T. N.
Roche, W.
Rundle, J.
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Smith, G. R.
Smyth, Sir G. H.
Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stanley, hon. W. O.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Talfourd, Mr. Serjeant
Trench, Sir F.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, J. H.
Wakley, T.
Wallace, R.
Westenra, hon. H. R.
White, A.
White, H.
Wilbraham, G.
Williams, W.
Wilmot, Sir J. E.
Wood, Sir M.
Yates, J. A.

TELLERS.
Grosvenor, Lord R.
Jervis, J.

List of the NOES.

Abercromby, hon. G. R.
Aglionby, H. A.
Ainsworth, P.
Bailey, J.
Bailey, J. jun.
Baker, E.
Baldwin, C. B.
Baring, hon. W. B.
Barrington, Viscount
Barron, H. W.
Basset, J.
Berkeley, hon. C.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Boldero, H. G.
Botfield, B.
Bramston, T. W.
Brownrigg, S.
Bruges, W. H. L.
Buller, E.
Burroughes, H. N.
Canning, rt. hon. Sir S.
Chalmers, P.
Chetwynd, Major
Childers, J. W.
Chute, W. L. W.
Clements, Viscount
Clerk, Sir G.
Compton, H. C.
Conolly, E.
Courtenay, P.
Creswell, C.
Davies, Colonel
Drummond, H. H.
Duffield, T.
Easthope, J.
Egerton, W. T.
Eliot, Lord
Elliot, hon. J. E.
Ellis, W.
Ewart, W.
Feilden, W.
Fellowes, E.
Finch, F.
Freemantle, Sir T.
Freshfield, J. W.
Gillon, W. D.
Gladstone, W. E.
Gore, O. J. R.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greg, R. H.
Grey, rt. hon. Sir G.
Halford, H.
Hawes, B.
Heathcote, Sir W.
Heneage, G. W.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodgson, F.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Hughes, W. B.
Hume, J.
Ingestre, Viscount
Ingham, R.
Irton, S.
Jenkins, Sir R.
Kelly, F.
Kemble, H.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Lincoln, Earl of
Lowther, J. H.
Lushington, C.
Lushington, rt. hn. S.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mahon, Viscount
Maule, hon. F.
Maunsell, T. P.
Miles, P. W. S.
Milnes, R. M.
Nicholl, J.
Ord, W.
Packe, C. W.
Pakington, J. S.
Parker, J.
Parker, M.
Peel rt. hon. Sir R.
Plumptre, J. P.
Ponsonby, C. F. A. C.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Richards, R.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Salwey, Colonel
Scarlett, hon. J. Y.
Sinclair, Sir G.
Somerset, Lord G.
Sotheron, T. E.
Stansfield, W. R. C.
Strutt, E.
Thesiger, F.
Waddington, H. S.
Walsh, Sir J.
Warburton, H.
Williams, T. P.
Winnington, Sir T. E.
Winnington, H. J.

TELLERS.
Estcourt, T.
Greene, T.

PUNISHMENT OF DEATH.] Mr. *Kelly* rose, pursuant to notice, to move for leave to bring in a bill for the further abolition of the punishment of death. It would be a source of unmixed gratification to him, if through any effort of his, the improvement which he sought to introduce into the criminal law of this country should be effected. He believed the alteration he proposed would tend alike to further the ends of justice, and to improve the national character. He was quite aware of the many difficulties that surrounded the consideration of this question. He was aware how difficult it was—when the public mind was agitated, as it was at this moment, by the recent perpetration of crimes and enormities of the blackest die—he was aware how difficult it was for any hon. Member to propose to Parliament, under such circumstances, a bill of this nature. But it was the system under which those crimes had been committed, that he sought to modify. He thought it was impossible not to feel that the time had at length arrived when some further abolition of capital punishment should take place. Before he called attention to the kind of offences in respect to which he now proposed to abolish capital punishment, he might remark that out of the 180 descriptions of crime in which the punishment of death had been abolished by the bills that had been passed at the instance of the noble Lord opposite, in not one single instance had that amelioration of the law been attended with any increase of those particular crimes; on the contrary, in the great majority of them a considerable diminution had resulted. He regretted much that the motions that had been brought forward by the right hon. and learned Gentleman, the Member for the Tower Hamlets (Dr. Lushington), and the hon. Member for Wigan (Mr. Ewart), when the measures to which he had alluded were under consideration, had not met with the sanction of the House, but he trusted that the principles which they advocated in common with himself, would soon obtain both in that House and in the country, and that full effect would be given to their humane and benevolent intentions. He (Mr. Kelly) did not now propose such an extensive alteration of the existing law as in former Sessions had been advocated by those hon. Gentlemen, because as it appeared to him that the sense of the House, and, perhaps he should add, the sense of the country, having been declared against the abolition of capital punishment in all cases, it would be useless for him, at the present moment, to attempt to press, in opposition to that opinion, so general and extensive a measure. For this reason, the abolition which he proposed in this bill did not extend to the case of murder. He had certainly intended to include within the operation of this bill these numerous and grievous offences which came under the denomination of high treason; and, as his opinion was still unaltered, he felt it due to some hon. Members of the House (who he was most proud and happy to say agreed in his opinion) to state the reasons why he was compelled to except from his bill the case of high treason. It might not be known to the unprofessional Members of the House, that even the most atrocious and diabolical act of high treason, the taking away of the life of the sovereign of these realms, would not be punishable as murder, as the offence of murder, great as it was, would be merged in the higher crime of treason. If, therefore, he were to include the crime of high treason in the scope of his bill, the result would be this—that while the murder of a subject was punished with death, the murder of the sovereign would be punishable only with transportation for life. Such a state of the law would be absurd in the highest degree. The only way in which he could have avoided such an anomaly would have been by the introduction of a clause in his bill including as punishable with death all attempts upon the life of the sovereign, and of course the actual murder. But he had a conscientious objection against visiting any crime whatever with the punishment of death, and he therefore could not introduce any such clause into his bill. These were the grounds, added to the opposition which he must have expected from her Majesty's Government, which induced him to except the case of high treason. He felt that it would be extremely desirable to extend the operation of the abolition law to Ireland. He knew no reason why any difference should exist between the laws of the two countries with respect to the punishment of death. He had, therefore, wished to extend his bill to Ireland, ay, and to Scotland; but he had found that there were doubts whether the majority of the Members connected with Ireland would agree to it. He had held communications on the subject with several influential Irish Members, and he had now every reason to believe that he should have been supported by them in such a proposition, but unhappily that communication was too late to enable him to make the necessary alterations in his bill without endangering its passing through the Legislature at this period of the Session. For this reason, and this reason only, the present bill would not apply to Ireland; but, upon the sanction of the House being pronounced upon his bill, he should be happy to bring in a bill extending the whole provisions of the present measure to Ireland, and if he received a like assurance from Members connected with Scotland, to Scotland also. It had been objected to his bill, that he ought not to abolish the punishment of death without the substitution of some adequate secondary punishment for the prevention of crime. He was free to admit that the law as it now stood did not provide any efficient or adequate secondary punishment for the punishment of death. It was, however, one thing to make this admission, and another to say that the punishment of death should be uselessly and unjustly inflicted on individuals. When the noble Lord opposite proposed to the House in 1837 the abolition of the punishment of death in many cases, he took occasion to state the difficulties which stood in his way in his attempts to discover an adequate secondary punishment. The noble Lord observed, that it would be desirable to introduce some extension of the silent and solitary system of imprisonment, particularly if followed by transportation, and that such a system would be a better secondary punishment than any which the law would now permit. The noble Lord had, however, suffered nearly three years to elapse, and had never even attempted to introduce any system of secondary punishments. He could see no danger from the introduction of a good system of secondary punishments by which criminals would be placed under a course of correction before they were transported to foreign lands—a system by which the most hardened would be reformed, instead of being turned loose upon society again, to associate with their former companions, and to relapse into their old habits of vice and crime in this country, and should the House pass the present bill, he would be ready either to introduce one on secondary punishments, or support the Government in doing so, or assist any hon. Member who might bring forward such a measure. Having thus alluded to what he conceived to be a great defect in our laws, he would express a hope that the House would not uffer the absence of a good system of secondary punishments to be an excuse for the punishment of death, if they were satisfied that it was neither just nor reasonable, nor necessary, to go to that extremity. He would now proceed to state the offences to which he intended the bill to apply. They were fourteen in number; but they might be reduced to three or four different classes, or to five at the most. When he reminded the House that at no very distant period, a period within the recollection of many hon. Members, instead of fourteen there were nearly two hundred capital offences, and that owing to the more effective, but not to the more sincere, efforts of persons who had thought and felt as he did, those two hundred capital offences were now reduced to fourteen, or rather to sixteen, including the two to which his bill did not apply; and further, that there had been no increase in those 180 offences since the alteration of the law with respect to them, he thought these facts were sufficiently strong to induce the House to agree to extend the abolition of capital puuishment to these remaining fourteen offences. It might, perhaps, excite some surprise amongst the non-professional Members of the House, when he stated, that although by the measures introduced by the noble Lord opposite, by his hon. Friend the Member for Wigan, and by some other hon. Members, it might be substantially said that all offences committed merely against the rights of property had ceased to be punishable by death, there yet remained four offences on the statute books which certainly, neither within his memory, nor perhaps within the memory of any hon. Gentleman now present, had ever been punished or prosecuted at all; he alluded to embezzlement by any of the servants of the Bank of England, or of those of the South Sea Company, being persons in their employ and having intrusted to them any description of Irish stock, and certain other stock specified in four different Acts of Parliament. He believed that the hon. Member for Dover and other hon. Gentlemen who were connected with the Bank of England, would concur with him in his wishes for the abolition of the punishment of death in these cases. At all events, he might venture to say, that should a case arise in the present day of a servant of the Bank of England committing an act of embezzlement and of being prosecuted capitally, it would be utterly impossible in the present state of the public mind and of public feeling on this subject to procure his conviction; and it would be necessary to prosecute such an offender under some other statute, so as to prevent the case being treated capitally. He took it for granted, then, that with regard to these four offences there would be no difficulty in his way. But there were some other offences requiring more particular attention. There were the two offences of riotously destroying buildings, and riotously and tumultuously destroying the Queen's ships; these were not offences directed against the safety of individuals, except in so far as the danger which might possibly arise out of the riots themselves. The other cases were rape, unnatural offences, and violating the persons of children under ten years of age. Then there was the offence of shooting at, wounding, or otherwise injuring with an intent to murder, or, in other words, attempted murder, accompanied with great violence. Upon this there was a great diversity of opinion. Three more offences might be classed together:—burglary, when attended with any violence and danger to life; highway robbery, attended with like violence; and piracy, when accompanied with attempts to murder or violence. The 14th and last offence to which his bill applied was arson. For all these offences he contended, that the punishment of death should be abolished. He did not think that he should deal fairly with the House, if he attempted to to repeat any of those general observations applying to the whole system of capital punishments, which had been so ably urged on former occasions when that subject was under consideration; and, therefore, he should content himself with a few incidental remarks. He would come to that offence concerning which he had heard the strongest objections from those with whom, both in and out of the House, he had privately communicated, and concerning which, with the exception of rape, a great difference of opinion prevailed—namely, an attempt to murder, attended with danger to life and great bodily injury. It had been put to him by those to whose intellect and perfect knowledge of the subject, and to whose great ability and experience, he paid the greatest deference, and for whom he entertained the highest respect. "Can there be any difference in the guilt of a man who shoots at another from behind a hedge and grievously wounds him, intending to murder him, and leaves him for dead, because he does not kill him, and because through the skill of the surgeon his victim is restored to life?". He would meet that question, fairly and openly, and if he failed to satisfy the House that upon principles which were recognised and admitted by all, there was no necessity for capital punishment in the case of an ineffectual and unsuccessful attempt to murder, then he would no longer hope for the sanction of the House to the bill he was about to introduce, at least as far as this offence was concerned. If it were the only object of punishment, or if it formed any material part of punishment, to inflict vengeance upon the offender, according to the moral evil he had committed, he was willing to admit, that there was no manner of difference between the crime of a man who had attempted unsuccessfully, and him who attempted successfully to murder another. But surely the time was past when the degree of moral guilt was to form any consideration in the amount of punishment awarded by a human tribunal. The only object of the legal and judicial punishments of men was to deter the offender from a repetition of his crime, and others from following his evil example. There were many heinous offences which, by the law of England, were not punishable at all. The law did not profess to punish according to the amount of moral turpitude. The crimes of seduction and adultery, for instance, crimes which disgraced and tortured families, and produced incalculable misery to persons, and mischief to property, were wholly unpunishable by the criminal laws of this country. If he needed high authority for his views on this subject, he could appeal to that of the noble Lord opposite, who when he brought in his series of bills for criminal reform in 1837, thus addressed the House:—

> "No one now doubts, that it is the object of criminal punishment not to satisfy the purposes of divine justice, nor to inflict human vengeance, but to deter from the commission of crime."

That was the principle for which he contended, and in favour of that principle he had the noble Lord's admission; no, he would not say admission, for he did not regard the noble Lord as an opponent on this occasion; he had the noble Lord's high authority for this principle that the sole object of the law was not the punishment of the guilty, but to deter others from the commission of crime. That concession being made, he trusted that he should satisfy the House that the concession carried with it the necessity for the total abolition of capital punishment with respect to attempts to murder. It was unnecessary for him here to address himself to those who agreed with him that even for murder itself capital punishment should not be inflicted: but to those who conscientously believed that the punishment of death should be awarded to murder as a security against the repetition of the crime, and that the fear of death and of incurring capital punishment did deter men from committing murder, he would say, if that were the case—if the fear of capital pnnishment did deter persons from committing murder, so long as that punishment was retained in the criminal code, security was retained likewise against attempts to murder. Still all the security which the law could give against attempted murder would remain. The slightest consideration would make this manifest. The dread of the law was supposed to operate upon the man who attempted to commit murder *ex vi termini*, and who expected to succeed. Would it not have an equal, nay, a greater effect upon him who attempted to kill with less determination of purpose? As long as a man was punishable by death for murder, so long would there be security afforded by the law against attempted murders. And let it be remembered what the effect of the change in the law which he proposed would be upon men when under the excitement or temptation to commit murder. In looking at the history of crime, in nine cases out of ten attempts to commit murder were found to arise out of attempts to rob, or burglaries, or when persons were seized with a sudden passion, and gave blows, or fired shots, or stabbed others. Was the successful and unsuccessful attempt to murder to be punished alike? Would they take away all inducement from a man, who having struck the first blow, but not having despatched his victim, relented, and would not repeat the blow, but for the sake of preventing detection, and saving his own life? The effect of the present law was to make such a man complete the murder, because no difference was made between the successful and unsuccessful attempt at murder. Upon what principle of justice and humanity were both to be punished alike? Could such a practice promote the safety of the community? No; because it tended to make criminals more hardened and desperate, and complete offences which otherwise they would not. He remembered some cases which had come under his own observation. The following case was tried in the county of York, he believed:—A young man was attacked on the highway and robbed. The person by whom he was assailed was a much more powerful man than himself, but in the course of the struggle he struck him a severe blow which nearly fractured his skull. The robber turned upon him, and would have killed him, but on his knees he prayed him to spare his life. The robber did so, and at the trial the prosecutor implored the court to spare the life of the robber, but in vain. The man was not only convicted and sentenced, but executed. If the law established no distinction between those who showed mercy to their victims and those who practised towards them the extreme of cruelty, what motive to be merciful could be expected to arise in the breasts of men engaged in the perpetration of a crime? In support of the views which he entertained upon the punishment of death, he could quote the authority of the right hon. Member for Edinburgh, who in preparing a report upon the subject of the law in India, urged upon the Government in that country the very principle for which he had been contending—namely, that the punishment of death ought to be reserved for the crime of murder and the highest crime against the State. The right hon. Gentleman most justly said in the notes to that report:—

"But we are convinced that it ought to be very sparingly inflicted, and we propose to employ it only in cases where either murder or the highest offence against the State has been committed. We are not apprehensive that we shall be thought by many persons to have resorted too frequently to capital punishment; but we think it probable that many, even of those who condemn the English statute-book as sanguinary, may think that our code errs on the other side. They may be of opinion that gang robbery, the cruel mutilation of the person, and possibly rape, ought to be punished with death. These are, doubtless, offences which, if we looked only at their enormity, at the evil which they produce, at the terror which they spread through society, at the depravity which they indicate, we might be inclined to punish capitally. But, atrocious as they are, they cannot, as it appears to us, be placed in the same class with murder. To the great majority of mankind nothing is so dear as life. And we are of opinion that to put robbers, ravishers, and mutilators on the same footing with murderers is an arrangement which diminishes the security of life. There is in practice a close connexion between murder and most of those offences which come nearest to murder in enormity. Those offences are almost always committed under such circumstances that the offender has it in his power to add murder to his guilt.—They are often committed under such circumstances that the offender has a temptation to add murder to his guilt. The same opportunities, the same superiority of force, which enabled a man to rob, to mangle, or to ravish, will enable him to go further, and to despatch his victim. As he has almost always the power to murder, he will often have a strong motive to murder, inasmuch as by murder he may often hope to remove the only witness of the crime which he has already committed. If the punishment of the crime which he has already committed be exactly the same with the punishment for murder, he will have no restraining motive. A law which imprisons for rape and robbery, and hangs for murder, holds out to ravishers and robbers a strong inducement to spare the lives of those whom they have injured. A law which hangs for rape and robbery, and which only hangs for murder, holds out, indeed, if it be rigorously carried into effect, a strong motive to deter men from rape and robbery, but as soon as a man has ravished or robbed, it holds out to him a strong motive to follow up his crime with a murder."

It was that state of the law here described which he called upon the House to alter; it was in cases such as those to which he had just referred that he called upon the House to spare human life. So far as the fear of punishment was concerned, he hoped he had satisfied the House that the extreme punishment would be not more effectual than the secondary in cases of attempted murder. The other offence upon which there was probably the most difference of opinion was that of rape. It was a subject which perhaps they had better reserve for the committee, if his proposed bill should arrive at that stage; but he might now be permitted to say a few words on the subject. If he were called upon to select from the whole catalogue of human crime one which above all others ought not to be subjected to the punishment of death, he should say it was the crime of rape; not so much on account of the nature of the offence as on account of the kind of evidence by which it was proved. Rape and a nameless offence were crimes which could only be proved by the testimony of an individual, and he thought that that circumstance alone warranted his saying that the irrevocable punishment of death ought not in such a case to be inflicted. "An irrevocable sentence should be pronounced only by an infallible judge." In his opinion, nothing but a stern, an overwhelming, an irresistible necessity should justify its infliction. The evidence of rape must always depend upon the testimony of a single witness, that witness might be mistaken, or she might commit perjury for the purpose of retrieving her own character, the temptation was strong, the chances of her being misled and deceived were great, and yet upon single and unsupported testimony, given under such circumstances, it was the practice of the law to inflict the punishment of death. The prosecutrix, though an honest, might be an erring witness, and yet, under the present system, the awful responsibility was incurred of inflicting the punishment of death. He would refer them to a case which occurred in a county not very distant from the metropolis. A young woman returning home was followed by a man whom she heard called by a particular name, to which he answered. By that man who so followed her, and who thus answered, her person had been violated. She took notice of the features of the man who had committed the offence. Soon afterwards she saw a person at a neighbouring village whom she instantly accused, and swore that he committed the crime, and his name proved to be the name that she had heard. Here was a strong case of circumstantial evidence, which carried conviction at once to the minds of all who heard it, and the prisoner was very properly committed for trial. His brother, on going home, heard of the occurrence, and declared that he was the guilty man. He presented himself to the young woman, who instantly exclaimed, "Oh God! I have taken a false oath—that is the man." It was a strong case of circumstantial evidence, and it was clear that the innocent man might have been hanged. Did any one who without prejudice reflected upon the subject, suppose that the punishment of death could be necessary to the prevention of such a crime? An innocent man might be brought home from transportation, but could not be recovered from death. He had been able to find seventeen cases tried during the present century, in which the accused were convicted and received sentence of death, although their innocence had subsequently been established and rendered as manifest as that of any man now living. He had not been able to render this collection of seventeen as perfect as an official return. He had not much time to devote to the subject, and he could only enumerate the cases which he happened to find, but even such as they were they amounted to one in one hundred of the whole number executed within the period. Hence, then, it was clear, that a certain number of innocent men had been sacrificed. If there were any doubt as to the necessity for the punishment of death in these cases, the benefit of such doubt ought to be given in favour of human life. Some secondary punishment should be devised. He had just been reminded by a noble Lord near him, that he had not stated how many of the seventeen just mentioned had been executed. No fewer than eight of the number had suffered death, and one of them was within four hours of perishing on the scaffold when his pardon arrived. The result of his investigation and reflection on the subject led him to the conclusion, that the use of capital punishments, without absolute necessity, tended not only to the sacrifice of the innocent, but the escape of the guilty. He would produce an instance which came under his own knowledge. The case occurred in Buckingham, and it was that of a farmer who was robbed of about 70*l.*, and savagely murdered by being shot through the skull. His own son, a lad of eighteen, was tried at Aylesbury, and, though there was the strongest circumstantial evidence against him, such as would have convicted any human being of any crime, yet, as there was just room to raise a doubt, the jury, to the astonishment of all, returned a verdict of not guilty. At the next assizes the son was indicted for the robbery, immediately found guilty, and transported to New South Wales. What did this show? Why, that in cases, where no possible sympathy could possibly exist, yet where a doubt can at all operate, the jury object to convict, and a criminal thus escapes. If the charge of robbery had not been made the son would have been set at large, perhaps to commit other murders. The event of the trial for robbery showed, that had the punishment being less than death, there would have been no doubt of the prisoner's conviction for the murder. From the disinclination of jurors, justice frequently was not allowed to have its way. He did not think he ought to trespass on the House further than to make a few observations on other crimes, such as burglary, robbery, and piracy. What he had said with respect to attempts to commit murder would apply to all other cases where violence was resorted to. The offender would be anxious to spare life if the punishment of death was confined to murder. There was one difficulty which he wished to overcome. It had been said, if death was abolished for arson, a man might set his dwelling-house on fire and burn a whole family. His answer was, that for burning houses or stacks, if the mischief was confined to property, the punishment of death would not be inflicted, but if the offender did sacrifice life, although he might not have contemplated anything of the sort when he set fire to the property, then the offence became murder, and the punishment for murder was inflicted. There was one topic which he would shortly advert to before he closed his observations, and it was the lamentable effect on public morals of public executions. If it were good to inflict the punishment of death on any ground, it was absurd to say, that one of those grounds was the good effect it produced on the bystanders. The only effect it could have was to degrade and to further corrupt the minds of the spectators Men of right-thinking minds, and virtuous habits, would experience no injury, but it was not on those classes that the spectacle was intended to operate. The effect was to be produced on the minds of the vicious, the uneducated, and all those most easily open to evil impressions. And if the House wanted to know what effect public executions had upon those classes, let them consult the public newspapers, and there they would find, that whether in town or country, the only consequence was to fill the public-houses, to promote debauchery, and to harden the depraved in their villanies. Those were the inevitable consequences of public executions, and it then became the House well to consider that important subject. Public executions, as could be proved, instead of producing benefit to the community generated nothing but mischief. Before he concluded, he begged to remind the House, that in respect to the multitude of offences for which the punishment of death had been abolished, there was not one in which it could be proved that the commission of crime had increased. This would be proved by a reference to any given number of years before and after the abolition of capital punishments. The noble Lord in his powerful speech, and by the papers he laid on the table, proved that the abolition of capital punishments had not increased but diminished crime, and that, in addition, the number of prosecutions had increased. The effect, therefore, of mitigating punishment was to ensure prosecution, and to procure the punishment of offenders. So that not only had the number of prosecutions increased, but the number of convictions had very considerably increased. This evidenced the fact, that now the public were more inclined to prosecute, and juries to convict. From the noble Lord's statements in 1837, it appeared, that not only no increase of crime took place, but that an actual diminution of crime occurred, for while the number of cases appeared the same, yet, when the increased property and population were taken into consideration, the return really showed, that there had been an actual diminution of crime. So, from the period when Romilly first commenced his noble efforts to the time when the noble Lord brought in his series of bills for the mitigation of the criminal code, it was shown a substantial diminution of crime, or at least no increase, had been the result of the more merciful system of legislation. And if so, on what principle did they stop? Why did they not carry the principle further? The time which had elapsed had confirmed the soundness of the principles upon which the noble Lord had proceeded. With the opportunities of information which he (Mr. Kelly) had from the counsel for the protection of bankers and merchants from forgery, and from his learned Friends who practised at the Central Criminal Court, he found one general sentiment in favour of the further abolition of capital punishment—a conviction that the experiment, so far as it had gone, was successful, and a universal desire that he should prosecute a task which he should have wished to have seen undertaken by some one of greater ability, but which was sure to be successful and beneficial if it met the sanction of the House. He should not longer detain the House. For the reasons and principles which he had laid before the House, he would beseech them to take the subject into consideration, and more especially he would appeal to the noble Lord to lend his great and powerful aid to the completion of a work in which he had done much wisely and beneficially, and from the ultimate success of which he would derive more lasting and solid fame than he could ever obtain from the greatest political triumphs. The hon. Member moved for leave to bring in a bill to abolish capital punishment in the cases he had mentioned.

Mr. *Ewart*, in seconding the motion, expressed his satisfaction that the principles in which it originated were diffusing themselves generally, and were not confined to any one particular party or section. He had the more pleasure in supporting the views of the hon. and learned mover, because three years ago he had brought under the notice of the House the same proposition. Three years ago the measure was all but carried in that House, being lost only by a majority of one. The numbers were seventy to seventy-one, and he was happy, although at that time the House did not legally establish the law, that capital punishment should be abolished in all cases except murder, yet that the principle had been acted upon; and since 1837 no capital punishment had taken place, except for murder or attempt at murder. It was not paying the noble Lord below him a compliment—it was merely doing justice, to say, that he had done more for the amendment of our system of prison discipline than any other Minister had done. He believed the noble Lord was more peculiarly fitted for that department of the duties of the office of Home Secretary than any who had preceded him. It was to him we owed in a great measure the separate system, which was destined to be the model of all schemes for criminal reformation in this country. He agreed with the hon. and learned Member that transportation, although it should be abolished as a punishment, ought to be retained as a supplement to punishment. Punishment might be inflicted by previous confinement, but there were certain cases in which it was desirable that the offender should have the opportunity of making a new life, and establishing a new character, and for that purpose of going to a new world, where, untainted by past recollections, he might establish a new and good reputation. It was the opinion of one of the greatest foreign jurists, as well as his, that this was the use, and the only use, which ought to be made of transportation. The hon. and learned Gentleman had referred to the anomaly in our law by which a man committing felony might, if death ensued, be executed, although the felony had not been committed in contemplation of death. This reminded him of another anomaly with respect to cases of common intent. In many instances a man might join with others in a common intent, and if the others went on to perpetrate an ulterior crime, which he had not contemplated, he was still liable to the extreme penalty. These were anomalies which ought to be taken into consideration, with a view to their removal as speedily as possible. The two crimes which the hon. and learned Gentleman excepted from the abrogation of the punishment of death were murder and high treason. He did not mean to raise any exception to this part of the proposition. He was willing to accept it as a compromise between the concession of the whole and the total denial of any part of that principle which every reformer ought to wish to see established. He thought, however, that, with respect to high treason, a distinction might properly be drawn between acts in which the death of the chief of the State was contemplated and those in which no such object was premeditated. There were circumstances, such as had recently occurred at Monmouth, which he thought might suggest such a distinction as this. He wished to call the attention of hon. and learned Gentlemen to a work published twenty years ago by the present ambassador from the king of the French, M. Guizot, in which, in commenting upon the punishment of death for political offences, the ingenious author remarked that in cases of popular commotions the ostensible leader was not a person acting from his own impulses, but was generally compelled by others. He thought if the hon. and learned Gentleman attended to this he might make a distinction, and, while he exempted treason from the abrogation of the punishment of death, might see that there were circumstances which might call, in a peculiar manner, for exemption from the extreme penalty. The abolition of capital punishment had made less progress in this country than in others; but now that we had begun, though late, to act, he hoped we should not show the less zeal or earnestness in the cause of reform; and he had the greatest confidence in the success of the cause since it was advocated by both sides of the House, and was supported by the talents of the hon. and learned Gentleman who had so ably advocated it this evening. In this, as in any other legal reform which he (Mr. Ewart) had ventured to urge, he was guided by the direction of the popular feeling—the *inclinatio temporum*, which had been so often referred to from the time of the great philosopher who first used the term. He was sure that the time would ultimately, if not very speedily, arrive, when not only that House, but the people of the country, would cordially entertain and happily accomplish the principle which was involved in all these amendments—the total abolition of the punishment of death.

Lord *J. Russell* was sure the House had no cause to regret that the hon. Gentleman who had made this motion had undertaken the subject, because the strict investigation, the talent, and the enlightened principle which he had brought to the task, could not but be useful to the House and the public in the further investigation of the matter. Neither did he (Lord J. Russell) wish to oppose the motion for leave to bring in the bill, but it would not be fair to the House if he did not state that he could not consent to the final enactment of the bill without further investigation, without several alterations, and, as he thought, without a further delay to a future session of Parliament. Great changes had recently been made in the criminal law of the country. Without entering minutely into the history of those changes, it would be sufficient to mention that, thirty years ago, two hundred offences were liable to capital punishment, and the opinion of the Parliament was then opposed to any considerable alteration of the system. It was impossible to read the memoirs which had been recently published of Sir Samuel Romilly without observing what great difficulties that excellent, learned, and upright man had to contend with in opposing a system which we now all condemned as sanguinary, cruel, and inefficient. It was considered at that time that stealing, to even a small amount, if not visited with capital punishment, would make all property in the country unsafe, and other offences lighter still were liable to capital punishment. When the right hon. Gentleman, who was not now present, introduced his bills for the amendment of the criminal law in 1827, one in ten of all the convictions were capital. About the year 1835, when he (Lord J. Russell) was charged with the business of the Home Department, about one conviction in thirty-two was for a capital offence. In consequence of the various bills brought in, many of them by the hon. Member for Wigan, and some of them by himself, in the year 1837, the capital convictions were reduced to one in 317. Not merely had a change taken place in the letter of the law, and in the formal number of convictions, but the number of executions had been reduced in a great degree, for in 1838 the number of executions was only six, and in 1839, eleven. This showed that the punishment of death had not been so frequently inflicted as to make it necessary for the House to interpose without due consideration. He admitted, indeed, that if weekly and daily instances of the infliction of capital punishment had occurred, because we were in doubt what would be the best system of secondary punishment, it would be an unjust and revolting argument that human life should be taken away on such grounds; and we ought immediately to consider, without loss of time, what secondary punishments would be best to be adopted. But he did not believe such to be the case. What had been our experience since the act of 1837? During the year 1838 many of those who were capitally convicted were tried under the former state of the law, under which many additional crimes were capitally punishable. That, therefore, could not be taken as a fair criterion of the operation of the new law; and the year 1839 was the only year which furnished practical experience of the operation of the new law. He did not think the hon. Gentleman could justly charge him with delay, or neglect of the subject, if with but one year's experience, he said that he did not feel himself bound to proceed to legislation within the present year. If capital punishments had been unnecessarily inflicted he should admit the obligation; but neither in the number of the inflictions, nor the nature of the crimes had that been the case, and, therefore, he thought it would be wise to consider further before capital punishment was done away with to any greater extent. In the mean time, that interval would not have been lost, for communications had taken place between the judges and the Secretary of State—not upon the general state of the law upon which the judges were not in the practice of giving an opinion, but upon particular cases, from which with further experience, sufficient grounds might be made out for further amendment of the law. He might refer to one instance—that of rape. When he brought in his bills in 1837, considerable discussion took place between the criminal law commissioners and himself; but he believed the prevailing opinion to have been, that if the crime was committed in combination, and was the result of combined force, the punishment ought to be capital, but in other cases not. Since that time, however, there had been no execution for rape, although there certainly had been cases in which he should have thought, if this principle was to be adhered to, the capital punishment ought to have been inflicted. In such cases, however, some of the judges who had paid most attention to the crime and to the state of the law had recommended the parties to the mercy of the Crown. That was a point which was raised for their consideration. If, as he believed, the judges had recommended that in such cases—and some of them aggravated ones—mercy should be extended, it might be a ground for calling upon the House to take away the punishment in such cases. He rather wished to avoid for the present following the hon. and learned Member in his argument as to certain crimes, with regard to which the hon. and learned Gentleman proposed to remit the capital penalty, but for which he (Lord J. Russell) thought it ought to be retained: but with regard to another subject — imprisonment as a secondary punishment—he thought we had now arrived at a stage—having improved the system of capital punishment, and with the evidence which was before the House with respect to transportation and imprisonment—at which we might consider that we were approaching the time when the whole subject might be placed before the Legislature, for the purpose of the adoption of some consistent system—because, if on the one hand, no wanton expenditure of human life had taken place, he contended that on the other hand we were bound, for the safety and happiness of society, to take care that an effective system of secondary punishments should be adopted. The hon. and learned Gentleman, and the hon. Gentleman who had spoken last, said that transportation ought to be retained as a supplementary punishment. That opinion had been held many years ago, and had been acted upon in many instances. When the punishment of death for forgery was first taken away, it was no uncommon thing for the judges to order one, two, or three years' imprisonment, with a view to subsequent transportation; but he doubted the wisdom of that system, for such was the stimulus which it offered for applications for mitigations of the sentence, that what with applications to the judge grounded on evidence which could have been given by parties not examined—applications to the Secretary of State, founded on the respectability of the connections and previous conduct of the individuals, and recommendations by persons upon the jury or otherwise, it came to be considered that the fixed imprisonment was intended as the punishment, and the transportation was looked upon as an unexpected punishment. He could not tell the reason of this notion, but such was the practical effect. He, therefore, thought that transportation, instead of being a contingent infliction, should be the commencement of a real and effective punishment, and not a lottery, by which a man might be sent to the borders, and condemned to the most servile tasks, or find himself employed as a cook or butler or the confidential clerk of a merchant in a town, and enjoying greater luxuries than he had ever known before. He thought when capital punishment was abolished, transportation should be looked upon as a substantial punishment, and that few persons should be sent to the Australian colonies for a few years, which had the effect of taking away from the terror that ought to attend that punishment. Transportation ought not to be confounded with minor punishments. He had gone further than the motion of the hon. and learned Gentleman gave occasion for, but he wished to state his views on the whole subject of the alteration of the criminal law. The hon. and learned Gentleman admitted himself to be an advocate for the total abolition of the punishment of death; he thought that for certain offences it ought to be retained. He thought that the system of prison discipline, and of transportation, ought to be improved as far as was possibly compatible with the welfare of the prisoner. In bringing forward the subject now, after the various bills which had been introduced, and the inquiries which had been instituted, there ought to be a consistent system submitted to the attentive consideration of both Houses of the Legislature. He did not think that at the present period of the Session there was sufficient time, nor in some particulars sufficient experience to enable the House to decide on any such system, and, therefore, he told the hon. and learned Gentleman fairly, that, thanking him for the light which he had thrown upon the subject, and for the attention which he had paid to it, for which the House and the country were much indebted to him, he was not disposed to support the further stages of the bill.

Mr. *Hume*, after an acknowledgement of the attention and research which the hon. and learned Member for Ipswich had so usefully bestowed upon this subject, said that the more we ameliorated the law under which exhibitions so disgusting, so disgraceful, and so injurious to the morals of the people, and so contrary to the objects which the Legislature had in view in the infliction of punishment, the more would the character of the people be improved. In no instances had offences increased in consequence of the punishment having been mitigated. On the contrary, in every instance they had decreased; and it rested, therefore, with the noble Lord to prove, that in the punishments which had heretofore taken place, there had not been an unnecessary sacrifice of human life. He was one of those who always thought that the utmost severity of punishment could never operate so as to prevent the murders resulting from passion; and he also thought that executions, and the conduct of spectators at them, tended to demoralize, rather than improve the public mind.

The *Attorney General* said, he was by no means opposed to the bringing in of this bill, for he had on former occasions lent his assistance to the Secretary of State in seeking to abridge the number of offences to which capital punishment applied. This was to him a most grateful task; but though he thought they had not yet arrived at the point to which they might safely advance in abolishing capital punishments, yet he must say there had been no supineness in the progress which had been made. He was of opinion that there were yet some offences liable to capital punishment which might cease to be so, though he could not go the length of his learned Friend. He hoped, however, as his learned Friend had now obtained leave to bring in the bill, he would be content to do so, and allow it to stand over until next Session of Parliament, inasmuch as they were not at present prepared to enter upon its consideration. He thought it was monstrous that this bill should be limited to England. He did not see why it should not be extended to Ireland and Scotland. He thought there could be no difficulty in including all three countries in one measure, or if there was a difficulty, they might have three bills brought in and pass them *pari passu*, so that they might all receive the royal assent on the same night. Under these circumstances, he hoped his hon. Friend would not press his bill farther this Session.

Mr. *Kelly* said, that after the appeal which had been made to him by his hon. Friend, he must say, in reply, that he was impelled by a sense of public duty firmly, decisively, and openly to declare that he would not consent to delay the further progress of the bill for a single day. If there was any thing less at stake than human life, no one would be more ready than himself to agree to the suggestion of his hon. Friend; but considering the nature and objects of the bill, and the mischiefs which resulted from having our practice different to our law, he felt bound to say that at every stage of the bill he would take the sense of the House as to whether it should pass or not. He would therefore put down the second reading for the very earliest day, and he only regretted that after repeatedly putting off the bill to suit the convenience of the noble Lord who wished to take the sense of the House on the first reading, he should now put it off to the second reading. He had, however, the most sanguine hopes, from the state of public opinion both out and in the House, that the bill would be successfully carried into law in the present Session. With respect to what had fallen from his hon. and learned Friend, as to extending the bill to Ireland and Scotland, he should be glad to do so, and saw no difficulty in doing so in the present Session, and he hoped he should have his hon. Friend's assistance in accomplishing that object, in which case he would forthwith bring in bills for both countries, and it would be then for the House to say whether it would trifle with human life, and with public opinion, by unnecessary delay.

Leave given to bring in the bill.

GRANT TO MAYNOOTH COLLEGE.] Mr. *Plumptre*, after presenting several petitions against any further grant of public money to the Roman Catholic College of Maynooth, proceeded to bring forward the motion of which he had given notice, that after the grant for the current year no further payment of public money be made to Maynooth College. He did exclude by his motion the grant for the current year, because he knew that the grant had been anticipated for this year. This he was aware had been the ground on which many hon. Members had refrained from opposing the grant for the current year. The Roman Catholic priests in Ireland could bring their power to bear upon any question whatsoever, and this they had done in several recent instances at the election of boards of guardians under the New Poor-law. The hon. Gentleman read extracts from newspapers and various communications he had received, in order to show that this power was extensively exercised by the Catholic priesthood. His principal objection to this college of Maynooth was, that instead of its professors and members being the aiders and abettors of religion, good order, and submission to the laws of the land, they were ever found to be the leaders and promoters of disorder. Another objection was founded on the works that were introduced there, which were destructive of the best principles of morality. The grant in effect went to support a religion that was at once idolatrous and unsocial. It was a feeling among the Protestants of this country—a growing and a lively feeling—that they ought not to pay for the dissemination of a religion which, in their hearts, they believed to be contrary to the true religion; and this independently of any of the other considerations arising out of the doctrines taught in the college. Therefore it was, that he felt he ought not to shrink from his duty, but upon the grounds of the nature of the education, the character of the books used, and the strong feeling of the Protestants, to move, that after the present year the grant to Maynooth should be discontinued.

Viscount *Morpeth* said, that there were two points from which the vote now complained of might be viewed. The first was the principle of the grant itself, and the second the mode in which this grant was administered. The hon. Member who had just sat down had taken both grounds of objection; he objected to the mode of instruction adopted in the college, to the books read there, and to the conduct of the clergymen who issued from its walls, This, evidently, was an objection to the mode and system in which the college was carried on; but the hon. Member further objected to it on the ground that no grant should be made from the public funds for the education of Roman Catholic priests, or of the Roman Catholics at all. Now there might be a general objection to the grant of public money for the instruction and the education of the Roman Catholic clergy; but taking the propriety of such a grant as admitted, then, with respect to the system carried on in the college, and the mode in which the grant was administered, he contended that they were more the subjects for the consideration of the Roman Catholic clergy and of the Roman Catholic authorities, than of the hon. Member for Kent. So also with respect to the objection which was made to the books which were read and the studies which were pursued there. For himself, he confessed that he was not compelled to enter into any argument as to the character of the books, or the extent of the studies pursued there, for he had felt that into these matters it was no part of his duty to inquire. But from what he had heard, he believed that the books which were used were the recognised books of the Catholic Church, but he believed also that upon these points the House had no more right to inquire than any Roman Catholic Member in that House would have to come forward and object to the books which were used or to the education that was pursued at either of the universities of Oxford or Cambridge. One specific objection which had been made to the books at this college was, that they enforced intolerance; he was glad to see that hon. Members had become so sensitive to the evils of intolerance, because, after this sensitiveness, when the hon. Member for Kent, in the presence and in the hearing of so many members of the Roman Catholic faith, branded their tenets as idolatrous and anti-social, he was sure that the hon. Member would raise no blush nor give one pang to any one of those Members. Now, with regard to the system of instruction pursued in the college. A commission was prayed for by that House, and appointed by the Crown, in 1837. That commission had laid upon the table a specific and minute report of every thing with regard to the college, the statutes, the constitution, the education, and the discipline. This was the statement made in the 8th report of the commissioners on the Irish Education Inquiry in the year 1837:—

> "The instruction given in the divinity classes generally at Maynooth, we are assured, does not differ materially from that given in the university of Paris. The discipline maintained in the college is stated to differ very little from that which is observed in other institutions for the education of the Roman Catholic clergy."

An opinion has prevailed, that the free education which the bounty of the Legislature has provided at Maynooth, has both induced and enabled persons of a much lower class to enter into the Roman Catholic priesthood than those who generally filled the ministerial office, and who, without such aid, could not have prepared themselves for holy orders. He collected, however, from the evidence, that this effect has not been produced, and that the care of the previous education, the expenses of admission, and the charges which still attends the course of instruction at Maynooth, accompanied by other regulations adopted by the Roman Catholic bishops, have prevented this result. That report had been laid on the table of the House in June, 1807, and since that period no Parliament that had been subsequently called together, and not one administration that had since been entrusted with the Government of the country, had been called upon to submit to the House any motion to Parliament with respect to the College of Maynooth, or had proposed any alteration, or sought to diminish the annual grant. By the statutes and an act regulating the college, certain visitors were appointed; some were named in the act, and others by reason of the office which they held; and he must state, that if there had been any abuse or neglect, or any departure from the understanding on which the original grant had been made, an appeal would lie to the visitors. If they had refused to give to the complaints any attention, the next most advisable course would have been to lay the matter before the Government, that they might have the opportunity of impressing upon the visitors the propriety of conducting every thing connected with the college orderly and correctly, and in accordance with the intention of the grant. If all this had failed, and if the abuses had still continued, then would have been the time to make the appeal to Parliament.

As it was, no complaint had been made to the Government of any neglect or abuse, or departure from the original intention. The only complaint that had reached the Government was of the utter inadequacy of the funds allotted to the college, and he believed that the correctness of this representation was more to be feared than those of the hon. Member for Kent. He believed that the walls of Maynooth, without the help of other colleges elsewhere, were utterly incompetent to supply the demand which was made of proper parties to discharge the duties of the parochial clergy throughout Ireland, and he believed that great good would ensue if a larger amount of annual provision could be assigned to this college; if, for instance, the salaries of the professors could be enlarged, and their position raised in the scale of society, and if something more of the human ties and refinements of learning could be mixed with the more severe studies of the college. He was sure that the worst effects would be produced, and the worst impression made upon the public mind, and that the very feelings which the hon. Member most dreaded, would be fostered among the Roman Catholic clergy of Ireland if the House in a moment of haste or carelessness should refuse to the Roman Catholic clergy of Ireland any assistance from the State in aid of their education. The hon. Member for Kent had been pleased to deal very largely in wholesale charges against the whole body of the parochial clergy in Ireland. No doubt that in this community, as in every other large community, there would be found some bad, some ill-judging, and some turbulent men; he would like to know in what church, in what community, some such were not to be found. The hon. Member for Kent had dwelt with just severity on those who called in the terrors of the life to come in aid of secular objects, and who debarred from religious privileges those who would not vote for particular candidates. He was sure that no one would reprobate such conduct more than himself; but when the hon. Member for Kent chose to infer that this conduct was to be charged exclusively on the Roman Catholic clergy, he, although he was most unwilling to carry on a war of recrimination, yet must say he thought that this conduct was not confined exclusively to clergymen of that persuasion. He found that this conduct was adopted by a clergyman of another Church in Ireland, in or near Londonderry—a minister of what was certainly a Church—the Presbyterian Church in Ireland. He did not know whether hon. Members meant in that House, as had been done elsewhere, to deny to the Presbyterian Church the character of a Church, but these were the words of a Presbyterian clergyman addressed to those of his congregation who were about to join in the Lord's Supper:—

> "I debar from this holy table (both doctrinally and officially) all those who, at elections, give their votes in favour of the candidate who supports an anti-Christian Government—a Government that has ever been the patronisers of Popery and idolatry throughout the British colonies."

And as words were sometimes misunderstood, he would quote the reverend gentleman's own explanation of the words which he had used, and which left the matter very much in the same state as he found it:—

> "I did, therefore, debar from a seat at the table of the Lord, all voters at elections for candidates for office under un-scripturally constituted systems of civil government. And, as an illustration of the anti-scriptural basis of the British Constitution, I instanced the provision which, by its law enacted, was made for the maintenance and propagation of Popery in the British colonies."

Clearly alluding to the present Government alone; but, continued the reverend gentleman:—

> "This I did, sir, without reference to personality, to the political creed of any Member of Parliament, or to any individual candidate for office under the general Government, but as being applicable to all governments and to all politicians who pay no regard to the moral law as the basis of their national constitution, or to the infallible directory of God's word in the choice of their governors, or in the regulating the obedience and submission to which they are entitled from their subjects. Under the same precept of the decalogue, I also debarred all anti-government men — all who would not vote at elections for eligible candidates for office under a scripturally constituted civil government."

He was afraid that it would only be when the hon. Member for Kent assumed the Government that the reverend gentleman would find cause to desist, or that his denunciation of candidates would be brought to a climax. Then the hon. Member for Kent brought forward the cases of the contests for Poor-law guardians; and although he complained of the logic and casuistry of the doctrines at Maynooth, the hon. Member himself exhibited rather loose logic and some casuistry, when he referred the proceedings at the election of Poor-law guardians to the education at Maynooth and the writings of Thomas Aquinas. He would not now go into an account of those proceedings, as they might be made matter for judicial inquiry. He could only say with respect to them that the statements which he had received were of a most conflicting nature; and whether the taking of tenants from their beds was so constraining and compulsory a proceeding as the hon. Member for Kent had represented, he could not now say. He would only now refer to what had been the parting remark and the mainspring of the petitions which had been presented to the House, the objection to any grant of public money for the maintenance of the Catholic religion, and the statement that it was wrong to support a religion which the hon. Member charitably and kindly called idolatrous and anti-social. He should not quarrel with the hon. Member's conviction upon that point. He knew it to be a conscientious objection on his own part, and so might it possibly be on the part of the petitioners, although they had not, perhaps, exercised their own opinions so freely as they would have done if some artful misrepresentations had not been made use of. They started, however, with the proposition that it was wrong to support a religion of which they disapproved. That might be a very good opinion to hold; but it appeared to him, that any one who conscientiously held that opinion, was bound to support the voluntary system. How any one could, in common candour, say, that it was wrong to support a religion which they thought erroneous, and yet exact the very same support for another religion of others who equally thought that erroneous—how they could allow the great majority of the people of this country to impose upon the vast majority of the people of Ireland, the duty of supporting persons to advocate the tenets which the majority in Ireland deemed wrong, he could not conceive. It seemed to him to be utterly at variance with every notion of consistency, of candour, and of sense. In this sense, the laws which required the payment of church-rates from persons of all persuasions, ought to be instantly repealed, and these rates—which, in his opinion, were a fair provision—if the hon. Member's proposition were adopted, must be given up. He could not conceive, he really could not see, if the hon. Member called upon that House to support the union; if he called upon them to support the present tithe-commutation in Ireland, which was working better than could have been or was anticipated, how, with any sense or candour, the hon. Member could grudge the paltry grant of 8,900*l.* a year, which was all that they gave for religious purposes to the great portion of the people of Ireland, or to the supporters of that religion which extended its influence through every part of Ireland. The last thing which had been brought against this offending college at Maynooth was, that a large part of the students had lately taken the temperance pledge at the hands of a Roman Catholic clergyman, Father Mathew, and in so doing, in his opinion, they were giving an excellent example, and afforded a good omen for the flocks about to be committed to their charge. And he thought that the hon. Member for Kent would do better by teaching his fellow-religionists in England, and even some in his own neighbourhood in Kent, to imitate the example, and to lay aside the filthy habit of drunkenness, and adopt a life of sobriety, which would perhaps bring with it some of the Christian virtues of charity and good-will; and that the hon. Member would thus be doing more good to that religion which he so warmly cherished, than by calling upon Parliament to deny the grant which was now doled out to a large portion of our Roman Catholic fellow subjects in Ireland.

Sir *Robert Inglis* said, the noble Lord had endeavoured, in this discussion, to raise questions with which, as he conceived, the Government of this country had nothing to do. The Government had no right to think it an open question whether the established religion of this country should be looked upon in the same light as the faith of the Dissenters. The Government was bound to support the religion of the State, and that religion alone which the State recognised as truth. For himself, he never would consent to pay a sixpence for teaching as the word of God what he believed to be contrary to that word. We were living in a Christian land, having the blessing of an Established

Church, and the State and the Government ought to give no support to any church but the Established Church founded upon truth; because if they adopted any other rule, they might give a grant to every college—to the college of Mill-hill or Hoxton as well as the college of Maynooth. But the noble Lord went even further, and had uttered sentiments which would never have been tolerated in any Member of the Government forty years ago. [*Ironical cheers from the Ministerial benches.*] A pretty compliment was that interruption to those who, on conviction had granted, or against their conviction were compelled to grant, to those who now cheered, the seats which enabled them to cheer. The noble Lord had twice used the term "parochial clergy," as applied to the Roman Catholic priests; so that the present Government must recognise the Roman Catholic priests as the parochial clergy of Ireland; and the noble Lord thought, that instead of 8,900*l.*, they ought to add to the amount, for the purpose of adding humanities and refinements to the severer studies of the college. Be it so, if the members were of the Established religion, [*Cheers from the Ministerial benches.*] but unless the hon. Members who cheered, and among them the hon. Member for Kerry, were prepared to vote sums for the support of the Memnonites and the Morganites, were prepared to propose grants to members of every persuasion, they could not support the present grant. He held that it was not right, when the great majority of the people of England recognised the Church of England as the repository of divine truth, that they should give to any other religion the countenance which this vote was likely to afford. The noble Lord had imputed something like uncharitableness to the hon. Member for Kent, for representing the Church of Rome by strong expressions, but he would ask the noble Lord himself, whether at the table of that House, he had not characterized the tenets of the Church of Rome by the same terms as his hon. Friend had used? Therefore, the noble Lord ought not to complain of his hon. Friend for characterising that same Church by the same terms which the noble Lord himself had used. He had been content in former years, and when he was a young Member of that House, to vote for this grant as a legacy from the Parliament of Ireland; but even then he had often felt great repugnance to the grant, and of late years had voted against it. There were something like thirty-six votes for charities, which the Irish Parliament regularly maintained. So long as those votes remained unaltered, he felt that he ought not to resist the vote for this college. He did not feel at liberty—he would not say bound—to enquire what particular tenets were taught, any more than he would feel himself at liberty to dispute the disposition of a legacy bequeathed through him to another individual. He only felt bound to discharge the trust committed to him, and to pay over the money as a matter of course. But when Parliament had taken away from other institutions the money which the Irish Parliament had granted, then every case stood on its own merits; and those who stood on the claims of precedent, and of a legacy from a deceased Parliament, here ceased to have a firm footing. He thought himself at liberty to say, that he would be no party to the teaching of any such tenets. He felt that he was not bound to be a party to it, because, although it might be true, that an agreement had been entered into, it had been broken in other respects, and he conceived that the nation was not bound to hold itself to any Christian obligations, except such as called for the support of its Church—that Church was at variance with the college of Maynooth. He, therefore, should vote for the motion of his hon. Friend the Member for Kent.

Mr. *Sheil*: Salamanca would, in the Spanish Cortes, be faithfully represented by the Member whom a Protestant University delegates to this House. He is a consistent politician, whose virtues are best illustrated by the Horatian metaphor, for if any man ever was, the hon. baronet must be on all hands admitted to be "*totus teres atque rotundus.*" In some of his positions, however, there is a good deal of anomaly; he says, that because the Protestant Charter schools were deprived of the fund once annually voted to them, we ought to perpetrate what amounts to a violation of Conservative principle in reference to the Catholic seminary at Maynooth. The case of Maynooth rests on a clear contract entered into before the Union, and ratified by Act of Parliament. I have been a good deal surprised that this act has never been quoted, at least has never been relied on as strongly as it ought to have been in this House. In 1795, the British Government felt that the foreign education of the Catholic priesthood was a very great evil. They became apprehensive that doctrines hostile to British interests might be diffused through Ireland through the system of instruction which then prevailed; the infusion of Jacobinism into foreign seminaries was dreaded, and it was considered to be most impolitic to encourage a continental connection with Ireland, through the colleges in which the Catholic clergy had, previous to the foundation of Maynooth, been educated. It does strike me indeed to be most preposterous to intrust to foreigners, who may become our worst foes, the instruction of men who exercise, and ought, and must continue to exercise, so vast and so legitimate an influence over the Irish people. The Catholic clergy are a most powerful corporation; the parochial minister is found in every priest, and over the whole frame of our Church presides a hierarchy, composed of able and enlightened men, whose talents, whose station, and whose virtues concur in giving them a great and inevitable sway. We have in our Church all the advantages resulting from a division the most minute, accompanied by a perfect centralization. It seems obvious, then, that the members of such a body ought not to be driven from their country to seek for that instruction among your enemies, or your rivals which you are called on to deny them. Mr. Pitt felt, that the ministers of Catholic Ireland ought not to be conductors of French principles or instruments of French machination, and accordingly, the college of Maynooth was founded and endowed under the 35th of George 3rd. That act recites the expediency of endowing a Catholic seminary, and a grant of 8,000*l.* (after various provisions for the establishment and regulation of Maynooth) is made by that Act of Parliament. The college having been thus endowed, another act was passed in 1800, confirming the former act, and making further regulations. Thus Maynooth, before the Union, became one of the national institutions of Ireland. It was in some sort incorporated with the State. The Union passed, and the grant was continued to be regularly voted by the Imperial Parliament. In 1807 the Whigs increased the grant to 12,000*l.*; but Mr. Perceval reduced it from 12,000*l.* to 8,000*l.*, on the express ground that the Imperial Parliament was bound to give what the Irish Parliament had granted by a legislative donation. It is very extraordinary that the Member for Kent, who referred to what happened in 1808, did not allude to the opinions of Mr. Perceval. Mr. Perceval was a great enemy of Popery—bore it the deepest antipathy, yet found himself bound by contract—bound by two Irish Acts of Parliament. It was not, I trust, in the spirit of "pious fraud" that the Member for Kent suppressed Mr. Perceval's opinion. For forty years the grant has been annually made, but I have more recent authority than that of Mr. Perceval. I hold in my hand Mr. Gladstone's book on the Church, in which, after condemning Maynooth, he says, that if it rests on the public faith, the public faith must remain inviolate. Sir, while the Member for Oxford was inveighing against the Catholic religion, having Mr. Gladstone's book in my hand, I turned to the first page of it, in which is contained a dedication to the University of Oxford. It is inscribed to the University of Oxford as the tried in the vicissitudes of a thousand years. A thousand years! Did the Member for that famous university, who denounces Popery, hear the word—a thousand years? I will not ask where was your boasted truth a thousand years ago; but I will venture to refer to the sermons of Father Prout, of Watergrass-hill—"These words are taken from the Epistle of St. Paul to the Romans; did you ever hear of his writing a letter to the Protestants?" The Member for the University of Oxford, was sufficiently vehement in his denunciation of the religion once taught in the University of Oxford, and to which that magnificent assemblage of colleges owed its chief ornaments; but he abstained from the use of opprobrious expressions. The hon. Member for Kent, could not restrain himself from an indulgence in invective against the religion and the priesthood of one-third of the inhabitants of these islands. I will not follow him, however, through the snares of his theology. I leave the Member for Kent to "rush in, where angels fear to tread." While he preaches, I practise the precepts of Christianity, and listen to his vituperation with the forbearance and the patience which ought to be produced by the spirit of Christian commiseration. He is accounted by his associates as sincere. I own that in listening to him, I am inclined to exclaim with *Bassanio*—

> "Thou almost tempt'st me to forswear my faith,
> And hold opinion with Pythagoras."

The hon. Gentleman furnishes a proof of metempsychosis, for he must have lived two hundred years ago, and played a conspicuous part in that celebrated Parliament of "Praise God" legislators, associated by history with the name of a religious statesman of whom such strong reminiscences are presented by the hon. Member for Kent.

Mr. *Litton* said, that his objection to the grant of public money to the College of Maynooth was founded simply upon the mode of education adopted in that seminary. If ever there were such a contract as that to which the right hon. Gentleman had alluded, it must be considered as a contract made between the Roman Catholic clergy of Ireland and the people of both countries, and a portion of that contract was, that doctrines useful to the morality, the religion, and the peace of Ireland, should be taught in that college. This he contended had not been done. He maintained that the doctrines taught at Maynooth were deeply injurious to the welfare of the country; that they were doctrines of great intolerance towards the Protestants of Ireland; that they were doctrines of great immorality, stating that allegiance to the pope was higher than allegiance to the lawful sovereign of these realms; and he was convinced that if hon. Members would take the trouble to look into the class-books referred to by the hon. Member for Kent, they would find that these doctrines, and worse, were taught and inculcated in this scholastic seminary. No denial had been attempted to be given to the statements on this point which had been made by his hon. Friend near him. He was a friend to a real and just system of education, and he was opposed to a system which inculcated doctrines inimical to the best interest of the nation at large. The Roman Catholic priests who sanctioned the doctrines promulgated at Maynooth were the fixed, the determined, the avowed enemies of the Established Church; they proclaimed the doctrines of that church to be heretical, and they claimed the ascendancy of the church of which they were members. Feeling that the Established Protestant Church afforded the only means of protecting the liberties of Ireland, and looking upon the attacks already made upon that Church, he should give his vote in favour of the motion of his hon. Friend the Member for Kent.

Mr. *H. G. Ward* said, he could not but think the argument of the hon. and learned Gentleman who had just sat down somewhat singular, inasmuch as the hon. and learned Member had complained of the desire for ascendancy on the part of the Roman Catholics, and declared his intention to vote in support of the ascendancy of another church. The hon. Baronet, the Member for the University of Oxford, by his speech to-night, had answered the arguments upon which he must found his motion on Tuesday next, on the subject of Church extension, for the hon. Baronet had to-night said he would not give sixpence in support of any religion which he did not believe to be true. The hon. Baronet had, therefore, laid it down as a principle that no man should contribute to a church in the doctrines of which he had no belief. The hon. Member for Kent, had in the mildest manner, and with the meekest spirit, laid down to-night the most intolerant and bigotted principles ever heard in that House within the last few centuries His speech formed a forcible illustration of Byron's lines:—

> "He was the mildest-mannered man afloat
> That ever scuttled ship or cut a throat."

He had called upon the House to legislate upon the principle followed by the Inquisition in Spain, and to apply a secular arm to the extinction of all dissent. The hon. Member by his resolution called upon the House to rescind the grant of 8,900*l.* voted to the Roman Catholic priesthood, while upwards of 5,000,000*l.* was enjoyed annually by the clergy of the Established Church. The hon. Member had said that Maynooth college had failed to effect the objects for which it was established, and he had cited the language of Mr. Pitt to show that the principal object was to establish a college of loyal men. Now, he begged to ask, whether the scholastic establishments of this country had answered that end? Was the hon. Baronet the Member for the University of Oxford, satisfied in that respect even with his own establishment? Did the hon. Member for Kent, looking to the occurrences which had taken place in his own county, mean to claim for it exclusive loyalty? Could he refer to the transactions near Canterbury with feelings of either pride or satisfaction? The hon. Member had also spoken of the political character of the priesthood of Ireland. He would, however, ask the hon. Member whether there was a county in England, in which the clergy of the Church of England were not the best possible whippers-in at any election. There was just as much of politics mixed up in the English Established Church as in any church in the world. He said this with regret, for he thought it a misfortune to the country and a blot upon the Established Church; but while such a system existed here, it was too much to talk of the Irish clergy as those who alone exercised political influence. He wished to put this question upon the basis that there were faults in both establishments; on the one side there was the Irish clergy struggling for existence, and the clergy of the Established Church struggling for ascendancy. The one was supported by 5,000,000*l.* annually, while the Irish clergy were to be denied the paltry pittance of 8,900*l.* Much had been said on the subject of the petitions which had been presented against the grant to Maynooth; on inquiry it would be found that the signatures did not exceed those affixed to the petitions praying for the abolition of the dog-cart nuisance. It was with great pleasure that he observed the right hon. Baronet, the Member for Tamworth, had returned to his place; it was necessary the right hon. Baronet should be there in order to rebuke the follies of some of his followers on this occasion, and to redeem his party from the difficulties in which they were placed by the arguments of the hon. Member for Kent, and of the hon. Baronet the Member for the University of Oxford. The right hon. Baronet had come in just in time to redeem the errors of his friends, and if not by his speech, at least by his vote on this occasion, to draw a line of distinction between his own conduct and that of his followers.

Sir *R. Peel* said, the hon. Gentleman was a correct prophet with respect to the vote he (Sir R. Peel) should give on the present occasion, but the hon. Gentleman was not equally happy in his anticipations as to the speech he (Sir R. Peel) should make. He did not intend to rebuke those who had proposed and supported the present motion, neither should he express any compunction or regret for the course he was about to take. He was bound to say, that no man at present in this House, or who had ever sat in it, when he did come forward on a public question, was actuated by purer or more disinterested motives than his hon. Friend, the Member for Kent, who had brought forward this motion. But he (Sir R. Peel) had not the slightest hesitation as to the vote he should give on that motion, or in avowing the grounds upon which he should oppose the pledge contained in it. In the first place, it would be calculated to give equal dissatisfaction to those who would be affected by the vote, whether the grant were to be immediately withdrawn, or whether the House pledged itself to a withdrawal at a future period, for if there had been a contract, as was contended, that contract would be quite as much violated by a withdrawal of the grant next year, as if it were to take place now. Having passed the grant for the last thirty or forty years, and as persons had prepared themselves for Maynooth, on the faith that it would not be withdrawn, the pledge to withhold it next year would be productive of quite as much embarrassment as if it were proposed to withhold it at present. For his own part, he did not think that there were sufficient grounds for violating an implied understanding upon which Parliament had acted for thirty years, and he could not acquiesce in any motion for withholding the grant unless stronger grounds were made out to show him that he had been in error in the votes which for the thirty years that he had been in Parliament he had given upon this subject. The foundation had been established in Ireland at a period when religious animosities ran as high, at least, as they did at present, and political divisions were as great as they were now. It had been established by a Parliament exclusively Protestant as an instrument to produce a disposition favourable to the Established Church, and to discourage the Jacobin doctrines which a foreign education was calculated to engender in those who were educated for the Roman Catholic priesthood of Ireland. The grant had survived the Act of Union, and had been continued by Mr. Perceval in 1806, though something diminished in amount. It was continued even after the event connected with the election of 1806 by Mr. Perceval, who thought that its continuance was necessary for the fulfilment of the public faith. It was still further continued after the removal of the disabilities which affected the Roman Catholics, and, being retained under all these great changes, he did not see now why the House should pledge itself to the abolition. He did not mean to say, that there had been any contract entered into, but, originating as the grant did, and having survived so many changes, he must confess that he could not help thinking that a concurrence with a pledge would show a hostile disposition towards the Roman Catholics of Ireland. He could not, however, concur in an observation which had fallen from the noble Lord. He did not think that there existed such a compact as ought to prevent the interference of the Legislature if the grant should be perverted to evil purposes. He could not agree in the opinion that the system of instruction pursued at Maynooth ought to be a matter of indifference to the House. He had not heard that observation made by the noble Lord, but he had heard it imputed to him, and he had not seen, on the part of the noble Lord, any sign of an energetic denial. Now, the system of education was a legitimate matter for the consideration of Parliament, and the House would abandon its duty if it were to avow the doctrine, that because the grant had been continued for thirty years; it was, therefore, pledged to say to Maynooth, "You may inculcate what doctrine you please, however injurious to the supremacy of the law, and destructive to the established government and monarchy of the empire." If an opinion of that kind were put forward, he, for one, would never concur in it, and he thought it should be repudiated by every Member of the House. A misappropriation of the grant would form a very proper subject of inquiry, and if it were proved, the question might be submitted to the House whether on that ground the vote ought not to be discontinued. If accusations of this sort were made, all he could say was, that the recipients of the grant were the persons who should show most interest in challenging inquiry, for the purpose of conciliating the good will of the public by showing, if such was the fact, that the charges were groundless. Under such circumstances, so far from inquiry being injurious, they should, as he said, be the first to challenge it. But, at the same time, he should say, that nothing but full proof of abuse would render it wise in the House of Commons to enter into a pledge as to the future with respect to this grant. To him, however, it would be much more satisfactory to have the ground of accusation cut away, and, having established that, he should be able to give the vote which he was about to give with greater satisfaction. When persons not hostile to the establishment admitted the necessity of inquiry at the same time that accusations were made, it was but fair that some inquiry should be entered upon which would remove the suspicions thus engendered. He had now given his opinion upon the question, without either censuring the opinions or impugning the conduct of the hon. Gentleman by whom the question had been brought forward.

Viscount *Morpeth* explained that he had not meant to say, that it did not signify what was the course of instruction pursued at Maynooth. All he said was, that he did not think himself bound to examine the contents of the books used in the education of persons destined for the Roman Catholic church, as long as he knew them to be the books sanctioned and prescribed by the Roman Catholic authorities. On the contrary, he had said that if any abuses existed, or practices that were contrary to the intentions of the grant, the visitors ought to be appealed to, and after them the Government or the Parliament.

Mr. *M. J. O'Connell* felt bound to state that the feeling of a great number of Roman Catholics as to this grant was positively indifferent. If the principle laid down by the hon. Baronet the Member for the University of Oxford were adopted, and if the grant were withdrawn on the ground that it was unfair to tax the inhabitants of a country for the support of a religion in which they did not conscientiously believe, he was quite sure it would meet with universal approbation. This motion came most appropriately from the hon. Member for Kent, for that part of Kent which contained the metropolitan see was the scene of operations of the missionary Thom. He had remarked, in the course of this discussion, that while the hon. Member for Kent was engaged in an attack on the Roman Catholic religion, the Scotch Members had loudly cheered; but when the hon. Member came out with his exclusive Church of England doctrines, those Members retired to the back benches. He cautioned those hon. Members against supporting such a measure as this, seeing on what principle it was founded.

Mr. Sergeant *Jackson* did not see how

any man at all acquainted with the law could vote for the discontinuance of the grant on the ground of there being no compact. He recommended his hon. Friend to withdraw his motion, and instead of proposing that there should be a discontinuance of the grant after the present year, he would suggest that his hon. Friend should, on a future occasion, propose that the Government should institute an inquiry with the view of seeing whether the charges which had been brought forward against the system of education in Maynooth, and against the system of morality inculcated there, were founded in fact or not. If such abuses existed there as had been described, it was the duty of the executive to prevent future grants being made to such an institution. He trusted, therefore, his hon. Friend would consent to withdraw his motion.

Mr. *W. Lascelles* cordially concurred with the right hon. Gentleman in opposing any breach of any compact that had been entered into on this subject. But independent of the compact, he would go upon general principles, and would ask whether they, the House, could adopt the motion on the general principles laid down by the hon. Member for Kent. The suggestion of the hon. and learned Gentleman behind him, for a motion for inquiring as to the course of instruction at Maynooth, or as to the regulations there, were very different from the present proposition for the discontinuance of the grant. The matter had been taken up on grounds very different, and it involved questions to which he would not allude. He must observe, however, that having been engaged in attending to matters connected with the improvement of Ireland, he wished to disconnect these practical measures with those topics which could only cause disunion. He had expressed these feelings with reference to the subject of education generally, and he thought that it should be the object of the Legislature to do all that they consistently could to conciliate the feelings of the people of Ireland; and if, therefore, they came to a vote on the subject of a grant to the College of Maynooth he hoped that it would be distinctly understood in the country that it was not on the minor point as to the regulations of that institution, but whether a system of education should be continued there in conformity with the feelings of that country. He was extremely sorry to have heard many of the opinions that had been uttered by hon. Gentlemen who sat on the same side of the House as himself, but he could not refrain from expressing his cordial concurrence in the feelings that had been expressed by the right hon. Member for Tamworth.

Colonel *Sibthorp* recommended that the motion should be withdrawn, in conformity with the suggestion of his right hon. Friend.

Mr. *Plumptre* was willing to withdraw his motion, if such was the opinion of those who supported the view which he took of the subject; but he was in the hands of the House.

Mr. *Hume* stated that the hon. Member had brought forward his motion in the proper form, if he was anxious to take the decision of the House on the subject. After the statements that had been made by the hon. Gentleman and others who supported the motion, he thought that it was incumbent on him to take the sense of the House on the subject.

Mr. *Barron* observed that it would be considered an insult to the people of Ireland, if the House did not go to a division on this subject. It was notorious that many Members opposite had gained seats in that House by their declamations on the hustings on this subject, and by the base and cowardly manner in which they had made their attacks on this institution.

The *Speaker* called the hon. Member to order, and declared that the application of the terms cowardly and base to any Member in that House was clearly out of order.

Mr. *W. Barron* stated that if the Speaker declared the terms to be unparliamentary, he of course must withdraw the expression. He, however, would suppose a case, and would observe that he could not conceive anything more base or cowardly than for any body of men on the hustings supporting the gravest charges against an institution, and coming forward before their constituents, whether in Kent, or Maidstone, or Cambridge, he would not stop to say, and addressing to them the basest calumnies and falsehoods that could be invented, and indulging in the most unfounded and uncharitable observations against a body of their fellow christians, and denominating the college of Maynooth a den of thieves, and even worse than a den of thieves. He must say that it was the very acmé of baseness, when the question came before the House for discussion, to shrink from a division.

Mr. *Christopher* rose to order. He appealed to the chair whether the observations of the hon. Member did not distinctly apply to certain Members on his side of the House. The hon. Gentleman had stated that hon. Members had shrunk from using language in that House which they had addressed to their constituents out of it.

Mr. *W. Barron* was extremely sorry to attribute proceedings to certain persons which the hon. Member had said were so applicable to his friends around him. He thought that it would have been more prudent of Gentlemen opposite to have followed the example set them that night by the right hon. Member for Tamworth, for the language which he used did him honour. He was sure the right hon. Gentleman would give credit in the country for the conduct which he had pursued, and he (Mr. Barron) was happy to see him shrink from contact with a certain portion of the party with which he was still connected.

The House divided—Ayes 42; Noes 121: Majority 79.

List of the AYES.

Archdall, M.
Bateson, Sir R.
Bell, M.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Christopher, R. A.
Chute, W. L. W.
Cole, hon. A. H.
Conolly, Edward
Dalrymple, Sir A.
Duffield, T.
Dugdale, W. S.
Du Pre, G.
Egerton, Sir P.
Farnham, E. B.
Feilden, W.
Filmer, Sir E.
Glynne, Sir S. R.
Hale, R. B.
Halford, H.
Hawkes, T.
Hepburn, Sir T. B.
Hodgson, R.
Houstoun, G.
Kelly, F.
Kemble, H.
Litton, E.
Mackenzie, T.
Maclean, D.
Maunsell, T. P.
O'Neill, hon. J. B. R.
Pakington, J. S.
Pringle, A.
Rushbrooke, Colonel
Rushout, G.
Shirley, E. J.
Sibthorp, Colonel
Smyth, Sir G. H.
Vere, Sir C. B.
Waddington, H. S.

TELLERS.

Plumptre, Mr.
Inglis, Sir R. H.

List of the NOES.

Acland, Sir T. D.
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alston, R.
Archbold, R.
Baring, rt. hon. F. T.
Barnard, E. G.
Barron, H. W.
Beamish, F. B.
Berkeley, hon. H.
Berkeley, hon. C.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bowes, J.
Bridgeman, H.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Campbell, Sir J.
Chalmers, P.
Chetwynd, Major
Childers, J. W.
Clay, W.
Collier, J.
Collins, W.
Craig, W. G.
D'Eyncourt,rt.hn.C.T.
Douglas, Sir C. E.
Dundas, C. W. D.
Dundas, Sir R.
Elliot, hon. J. E.
Euston, Earl of
Evans, G.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Finch, F.
Fitzroy, Lord C.
Gordon, R.
Greenaway, C.
Greg, R. H.
Grey, rt. hon. Sir C.
Hall, Sir B.
Hawes, B.
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, hn. E. G. G.
Howard, F. J.
Hume, J.
Humphery, J.
Ingham, R.
Langdale, hon. C.
Lascelles, hon. W. S.
Loch, J.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Macnamara, Major
Martin, T. B.
Maule, hon. F.
Mildmay, P. St. J.
Morpeth, Viscount
Muskett, G. A.
Nicholl, J.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Connor Don
Ord, W.
Parker, J.
Pechell, Captain
Peel, rt. hn. Sir R.
Pendarves, E. W. W.
Pigot, D. R.
Power, J.
Power, John
Price, Sir R.
Pryme, G.
Rawdon, Col. J. D.
Redington, T. N.
Roche, E. B.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Salwey, Colonel
Scholefield, J.
Sheil, rt. hn. R. L.
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, R. V.
Somers, J. P.
Stanley, hon. E. J.
Steuart, R.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornely, T.
Townley, R. G.
Vigors, N. A.
Wallace, R.
Warburton, H.
White, A.
White, H.
Williams, W.
Williams, W. A.
Wilshere, W.
Wodehouse, E.
Wood, G. W.
Wood, B.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.

Ward, Mr.
O'Connell, M. J.

IONIAN ISLANDS.] Lord *C. Fitzroy:* In moving "That an humble Address be presented to her Majesty, praying that she will be pleased to direct a Commission to be sent to the Ionian Islands, to inquire into the grievances which at present exist," said, I will not trespass on the attention of the House at any great length. I propose to consider this question on the broad principle of the advantage of the Ionian Islands to this country. I will, in the first place, call the attention of the House to their geographical position. They are situated centrally between three continents—Europe, Asia, and Africa,—and bear strongly on our line of commerce with the Mediterranean. I wish to submit to the attention of the noble Secretary for Foreign Affairs, whether the attachment of these islands to our protection, or the discontents arising from it, must not necessarily weigh with Russia. That power, in all the negotiations which have taken place, has manifested an anxious desire to obtain a footing in those seas; and, in the event of a war, no doubt great advantage would be taken of any misunderstanding which might exist between those islands and this country. I know those islands well; and the continued protection of England is their desire; but what they seek is an honest protection, and not to be subjected to a servile submission. It is for this reason that I advocate their cause. I am not here to rouse them to a sense of their grievances: they know and feel them, and now for the first time, dare to declare them. It is too much the practice to despise small dependencies; and, in this case, it is said, they are only Ionians. On this point, I perfectly concur in the language of the *Westminster Review*, in October, 1833:—

> "Let not the weakness of the sufferers produce indifference to their just complaints. Is the mismanagement of 190,000 of our fellow subjects a trifle? If it is pleaded that the Ionians are not "lieges" of the king of England, does not the peculiarity of their dependence aggravate, in the eyes of Europe, the disgrace of the misgovernment?"

Now, Sir, the first arbitrary act that I shall notice, of which the Ionians complain, is the dissolution of their Parliament; because in the difference of opinion that took place between the legislative body and the Senate, on account of the new civil and criminal code, the Lord High Commissioner sided with the Senate. Now, Sir, this disagreement arose upon the different interpretation of the constitution. By the constitution, the laws are ordinary and fundamental: the ordinary laws pass through the Senate and Legislative Assembly, and are ratified by the Lord High Commissioner; the fundamental laws are discussed by the legislative body alone, and pass directly to the Sovereign Protector, for ratification. And this law of the civil and criminal codes, being a fundamental law, should be subjected to this form. Lest any doubt should arise on this subject, I will read to the House Art. 8. sec. 3. chap. 6.:—

> "Whereas, in the preceding article, provision is made for establishing a temporary court of justice, denominated the Supreme Council of Justice of the United States of the Ionian Islands, and for maintaining the same till such time as new codes of civil and criminal law and procedure can be framed and adopted, and which provision operates, for the time being, as a reservation to a future period of the adjusting the final constitution in these states, as far as regards the judicial authority within the same; it is hereby declared, that whenever such civil and criminal codes and procedure shall be framed, or when the three years shall have expired for which the Supreme Council of Justice is established, the Legislative Assembly of these states shall, on a message to be transmitted to that effect by his Excellency the Lord High Commissioner, consider itself to be sitting for the immediate consideration of the said reserved matters of the constitution; and all the enactments then made for the final adjustment of the due courts of law, and of a fitting and civil criminal code and procedure, shall, in the first instance (as in the instance of the constitution itself), be submitted to his Majesty the protecting Sovereign; and, if ratified, they shall then be considered, to all intents and purposes, as forming an integral part of the constitution itself of these states."

It is impossible to read this and not agree with the Legislative Assembly when they objected and refused to discuss the codes with the Senate; and this provision was made, from considering the codes as an integral part of the constitution. Now, the House should be informed, that the Senate is not a high legislative assembly, but an executive power elected by the Assembly; the mode being, after the Legislative Assembly is formed, for the Lord High Commissioner to take five from that body, to form the Senate, supplying the vacant places in the Legislative Assembly by his own nomination. The determination of the Legislative Assembly to stand by their privilege determined the Lord High Commissioner, first, to prorogue them, and, afterwards, to obtain an Order in Council for their dissolution. It was in this interim that the Cavaliere Mustoxides came to England, to explain to the Government, here, the grounds upon which they, the Legislative Assembly, differed with the opinion of the Lord High Commissioner, expressing a wish that the reasons of the Legislative Assembly might be heard. No courtesy was shown to this gentleman, though he was entitled to it in every way, from his high literary character, and his decoration of the order of St. Michael and St. George, conferred by George 4th. After four months waiting in this country, he returned home, and had the further mortification of seeing that the Order in Council was dated six weeks before he left England. The dissolution of the Parliament then took place; and I will inform the House that such an act is not an appeal to the people. The election or selection, takes place in the following manner:—The Lord High Commissioner chooses eleven men out of the forty, as the nucleus of the new Assembly; and for the remaining twenty-nine, he sends double lists of names to each of the islands; and one of these lists the electors must return. Such a mockery of a popular assembly does not exist anywhere else. But the Cavaliere Mustoxides, for having dared to go to England, experienced the spite of the Lord High Commissioner, who, upon pretext that he might have been concerned in the Greek plot against the Government of Greece, made use of his high police power, and seized the Cavaliere Mustoxides's papers, public and private, as well as those of Signor Petrizzopula, Count Roma, and others. The Government of Greece declared that the Cavaliere Mustoxides was in no manner concerned in this plot, which, after all, subjected the persons concerned to be tried for a misdemeanour only; but, under this high police authority, the Cavaliere Mustoxides might have been banished to Cerigo, in the same way that the Lord High Commissioner treated two shoemakers, who, for the crime of having run against a senator in the streets and abused him, were, without trial, under the authority of the high police, banished to the island of Cerigo. Having this power, say the least for it, the Lord High Commissioner placed his victim (Cavaliere Mustoxides) under a cloud, insinuated all that was bad against him, and then refrained from making any public accusation. Having stated these facts, I will not detain the House, but simply move,

"That an humble Address be presented to her Majesty, praying that she will be graciously pleased to direct a Commission to be sent to the Ionian Islands, to inquire into and report upon all grievances against the Government of those islands that may be laid before it."

Lord *John Russell:* I do not think the motion of the noble Lord would lead to a solution of the difficulties which have existed in the Ionian Islands. The noble Lord says that a difference of opinion prevailed as to whether were of that nature which required the concurrence of the Assembly only, or of the Assembly and the Senate. Upon that question being stated by the Lord High Commissioner to the Secretary of State, the latter thought it right to inform the Lord High Commissioner of the opinion of the Sovereign; and no better course could have been taken than stating the interpretation which the law officers of the Crown put upon the original contract; and that interpretation was, that the Senate must concur with the Assembly in agreeing to such laws. The opinion of the protective Sovereign, however, was considered of little importance; this concurrence did not take place, and the Lord High Commissioner proposed to receive the consent of her Majesty in Council to dissolve the Assembly. After a good deal of correspondence, that assent was given, and the Assembly was dissolved. A new Assembly was called; it has passed the new code; the Senate have concurred with them: and that code is now about to become the law of the Ionian Islands. That question is therefore at an end. I do not conceive how my noble Friend can say that the Assembly of 1839 was the supreme power, and that the Assembly of 1840 is not. If my noble Friend stands on the act of the Assembly, I may quote the opinion of the latter against the opinion of the former. The question with respect to the general Government remains. I do not deny that the present constitution of the Ionian Islands, while it exhibits the form and figure of a free constitution, is not based on those principles which give the people the right of free election, and their representatives, the control of the Government; but as was said by Sir Howard Douglas, the people are exceedingly uninformed and ill-prepared for the exercise of the constitutional powers of a free Government; and if they possessed those powers, they might in all probability, use them in a very improper manner. I do not think the benefit of a free Government ought at once to be imparted to the people of the Ionian Islands. I am convinced that the best mode of governing them is, in the first place, to keep the finances and Government of the Island free from corruption, and in the next place, to give the native population a due share in the advantages of office, and to give them an education which will prepare them for a better form of government. The contrary course can only lead to a state of anarchy. We ought to recollect what has already taken place. It is notorious that an extensive conspiracy was carried on under the eyes of the Greek government, and that those persons who were the loudest in their complaints were not strangers to the existence of that conspiracy; and I have seen papers promulgated by persons acting under the direction of the late Patriarch at Constantinople, the object of which was to destroy British influence and connection, and establish some other government in its place. Happily, the Patriarch was deposed, on the representation of the British ambassador, and that intrigue put an end to. It was the duty of the Lord High Commissioner to guard the island committed to his care against such attempts, and he was perfectly justified in adopting the necessary measures for its security and protection. Upon the whole, I cannot agree to the motion of my noble Friend, which while it can produce no benefit, may tend to weaken the authority of the Government.

Mr. *Hume:* I believe that no country was ever worse used than these islands under Sir Thomas Maitland, who disarmed the whole population. They had the semblance of a free constitution, but they never derived any benefit from it. Corruption was notoriously prevalent, and I believe it was practised chiefly by the Governor. Situations were bestowed on Englishmen, to the exclusion of the natives, and the salaries were increased to an enormous extent. Similar complaints were made with respect to Malta. A Commissioner was sent out, who ascertained that those complaints were well founded, and this House adopted the recommendations contained in the report made on that occasion. I trust the House will now institute an inquiry, and I have not the least doubt that it will be attended with the same result.

Sir *R. Peel:* It appears to me very difficult to lay down any general rule with respect to the policy of sending out Commissioners; because much must necessarily depend on the nature of the inquiries to be instituted. To send out a Commission to determine the great constitutional question of the Ionian Islands, would, in my opinion, be pregnant with the greatest danger, and I, therefore, cordially concur with the noble Lord in resisting the present motion. If the object be to inquire whether the Ionians are fit for employment or not, that is another matter; but as the principle of the employment of the natives is admitted, I cannot see the utility of sending out a commission for that purpose. At this late hour of the night, I do not think it requisite to enter into any defence of Sir Howard Douglas; indeed, this is rendered quite unnecessary by the testimony given by the noble Lord, in his despatches of the correctness of his conduct.

Captain *Boldero:* I think it would be quite useless to send out a commission, because the Government are in possession of all the facts of the case. I believe the state of the population has been materially improved within the last few years. The hon. Member for Kilkenny has complained that Sir Thomas Maitland had disarmed the people. But why did he disarm them? Simply because they rebelled against him. A strong Russian party was perpetuallly intriguing; and if strong measures had not been resorted to, I have no doubt that much blood would have been shed. I trust the noble Lord will consent to withdraw his motion.

Lord *C. Fitzroy:* I believe the discontent which prevails in the Ionian Islands has been caused by mis-government; and that the disaffection of the people to our protection has not arisen from the restlessness of their character; and as to the opinion of the law officers of the Crown on the difference which existed between the legislative body and the Senate, I now boldly declare before the Attorney-general that he never read the constitution of the Ionian states, and that he does not appear to know, that there is a dffierence between the mode of passing fundamental laws and ordinary laws. If the two last acts of the new Legislative Assembly obtain the approbation of her Majesty, under the advice of a Liberal Government, I shall exceedingly regret it—I mean the one allowing the police to flog prisoners at discretion; the other establishing a censorship for books and newspapers. After the discussion which has taken place, I do not think it necessary to press the motion to a division.

Motion withdrawn.

HOUSE OF LORDS,

Thursday, June 25, 1840.

MINUTES.] Bills. Read a second time:—Timber Duties.

Petitions presented. By the Marquess of Breadalbane, from Parishes in Scotland, in favour of Non-Intrusion.—By the Bishop of Gloucester, from Stowe, against any Alteration in the Liturgy, or Articles of the Church of England.—By Lord Brougham, from Colecraft, in Scotland, against the connexion between Church and State.—By the Bishop of Exeter, from the Clergy of the Archdeaconry of Barnstaple, not to impair the Authority of the Bishops.—By the Archbishop of Canterbury, from the Members of the Society for the Promoting Christian Knowledge, in favour of Church Extension.

A Peer, a High Sheriff.] The Earl of *Charleville* said, he had received yesterday a copy of a requisition to the High Sheriff of the county of Galway, calling on him to convene a meeting for the purpose of addressing her Majesty on the subject of the late nefarious attempt on her Majesty's life, the answer to which was signed "Ashdown," as High Sheriff of the county. His reason for calling the attention of the noble Marquess opposite to the subject was, the High Sheriff, in this case, was a peer of Ireland. When he became High Sheriff he was not a peer; but since that time his noble relative had died, and the present noble Lord, as his nephew, had succeeded to his title and estates. He was not aware how far Lord Ashdown's appointment as High Sheriff, previous to his taking the title, affected his holding that office, or executing the duties attached to it. There was, however, a case somewhat analogous, which had occurred a few years ago. The late Earl of Dysart, when he came to his title, was acting on the grand jury; and the counsel for a prisoner objected, in consequence, to the validity of the acts performed by that jury. The case was argued, and the objection was admitted to be valid. Usage and custom, he believed, were against the practice of allowing a peer to act as High Sheriff, except in the case of Lord Thanet, who was hereditary sheriff of Westmoreland. He found it stated in *Blackstone*, that bishops sometimes were appointed to act as sheriffs, and Richard, Duke of Glocester, afterwards Richard 3rd, was sheriff of Cumberland for five years together. But these appeared to be exceptions to the general rule. He believed, that the circuits commenced next week, but the assizes of Galway were the last. He hoped, therefore, that the appointment of High Sheriff of Galway would be vacated by *supersedeas*, or that the under-sheriff would be empowered to act, as in case of the death of the High Sheriff, or that some other competent person would be appointed to discharge the duties, for the purpose of preventing any inconvenience that might otherwise be experienced in matters connected with either the civil or criminal jurisdiction. Many presentments must be made by the Grand Jury, and large sums of money were obliged to be expended on the faith of the High Sheriff. It was necessary, therefore, that no doubt should be suffered to exist with respect to the eligibility of the person who filled that situation.

The Marquess of *Normanby* was obliged to the noble Earl for calling his attention to the subject. The case was not entirely unparalleled; but still it was one of so much novelty, that it would be very inconvenient to give an opinion on it without due consideration, and an application to the proper law authorities.

Colonial Passengers—Labourers in the West Indies.] Viscount *Duncannon* moved the second reading of the Colonial Passengers' Bill, the object of which was to extend the provisions of the 5th and 6th of William 4th, "for regulating the carriage of passengers in merchant vessels from the United Kingdom to the British possessions on the continent and islands of North America," to British colonies in the West Indies and South America, and on the Bahama Islands, and Bermuda, with certain exceptions.

Lord *Brougham* said, this bill did, a short time since, contain clauses to which he felt the most decided objection, and to which, from all the attention that he had been able to bestow upon the subject, and from all that had passed in that House and in the other House of Parliament, he had every reason to believe the most decided objections was felt in every quarter. He was convinced that an universal concurrence of opinion prevailed with reference to the subject matter of those obnoxious provisions, and had they been preserved, he entertained a confident hope, that had he called on their Lordships, as he should have done, to reject those provisions, he should not have made that call in vain. The other House had, however, struck them out. He of course alluded to the provisions respecting a traffic that was to be legalised between India and the Mauritius, to which island it was proposed to send the natives of India as labourers. Those clauses had been very properly struck out, and further notice of them was unnecessary. He had moved for certain correspondence on this subject between the governors of the Indian presidencies, the India-house, and the Government at home, and also for the report of the committee appointed in India for the purpose of inquiring what had been done with respect to the Hill Coolies. These papers would, he hoped, be soon forthcoming, because, though not wanting for the purpose of any immediate discussion, they would be exceedingly useful, and would throw additional light on the question.

Lord *Ashburton* said, if some measure were not taken to procure labourers for our sugar colonies, they would soon be lost to this country for ever. Ever since he entered Parliament he had constantly voted against the infamous traffic in slaves, and had afforded his utmost support to the efforts that were made in favour of emancipation. But he believed, that many persons who evinced a just hostility to the slave trade, laboured under some degree of misapprehension, and confounded their hostility to the trade with views which would be wholly destructive to the West India proprietor, by endeavouring to prevent him from acquiring labourers. Such a course was not only not in favour of humanity, but, as it appeared to him, was against humanity, for the fewer the labourers, the greater must be the amount of toil. Therefore, as a question of humanity, he conceived that the friends of the West India population were not taking the wisest course. He could assure their Lordships, that though the people of this country would endure to pay high prices for such a necessary as sugar, if the enhanced value were mixed up with the question of humanity; yet, if those prices were driven up too high, in the end sugar would be derived from slave colonies. The question then was, could they procure a sufficient supply of sugar by promoting the cultivation of that article elsewhere? or would they resort for it to slave colonies? As the black population was circumstanced at present, it was in point of substantial comforts far beyond any labourers in any other part of the world. Eighteen pence a day would be sufficient to provide them, in such a climate, with all the necessaries of life. If some step were not taken to secure labour, the exertions of the foreign colonies, which manufactured sugar, would materially clash with the interests of our West India colonies. He hoped, therefore, that some mode would be devised, and that speedily, to insure a proper supply of labour in the colonies.

Lord *Brougham* said, as the bill had no provisions with reference to the subject to which his noble Friend had referred, he had abstained from giving any opinion whatever on it. He was rejoiced, however, to find that his noble Friend had applied his mind to the question, and he trusted that some remedy might be devised to prevent the evils which his noble Friend apprehended.

Lord *Ellenborough* said, if the present duty on East India sugar was equalised with that on West India sugar, that article would be extensively cultivated in the East Indies. It would be cheap, and there would be sufficient for all the wants of this country. With respect to the supply of labourers for the colonies, his noble and learned Friend would recollect, that two years ago their Lordships passed a bill on this subject, which would have admitted East India labourers to the colonies; and that bill contained restrictions which guarded them against abuse, against fraud, against death, which had too often occurred in consequence of the existing mode of importation. Their Lordships never would consent to the bill without those protective clauses. Neither would they suffer a great colony or association to consist of males only. That was an abomination to which they never would listen. He was confident that that bill would have operated beneficially. It protected the labourer, it provided against every species of fraud and abuse; but the House of Commons would not agree to it. Their Lordships were willing that the natives of of India should be employed in the colonies, but on this express condition—that no abuse should be permitted, that no injury should be done to the people of India, whom this Legislature, as the superior power of that country was bound to protect as British subjects. It was provided by that bill, that they should clearly know where they were going, that they should be acquainted with the circumstances under which they were to live, that they should be properly protected on the voyage, and during their residence in the colony; that they should be afforded the means of returning; that while they were in the colony they should be fully protected in the exercise of their religion, and that no improper or unjust terms of engagement should be entered into by them with any contracting parties. All these points were specially provided for; but, nevertheless, the House of Commons would not accede to the bill.

Bill read a second time.

ADMIRALTY COURTS (JUDGE'S SALARY).] The *Lord Chancellor*, in moving the second reading of the Admiralty Courts Judge's Salary Bill, said that the object of it was to place the judge of the Court and the registrar of the Court of Admiralty on such a footing as would enable them to transact the business of the court efficiently, both in time of peace and in time of war. The bill proposed to make the salary of the judge 4,000*l.* a year, and the salary of the registrar 500*l.* a year. There was also a power of giving the registrar a pension of 200*l.* a year, in case he became incapable from infirmity to discharge his duties.

Lord *Brougham* stated, that the objections which he had urged against the bill, which came up to their Lordships from the House of Commons on this subject last year had all been obviated by the bill of this year, except that objection which rested on the patronage which the bill gave to the judge over the appointment of the different officers of his court. He therefore suggested, that in the present stage of the bill no resistance should be offered to it. Instead of thinking the salary given to the judge of the court too high, he thought it too low; but to their Lordships' House no alteration in that respect could be made.

Bill read a second time.

CHURCH DISCIPLINE.] The *Lord Chancellor*, in moving the second reading of the Church Discipline Bill expressed a hope that it would reconcile all the differences which had existed upon the subject. His opinion was, that the most desirable course to pursue, was, to bring all subjects in which clerks were accused of improper conduct, before the highest ecclesiastical authority in the country—the court of Arches. Difficulties, however, had been raised against the adoption of that course, and a variety of opinions existed upon it. This bill he trusted would reconcile those opinions, and put an end to all differences upon the subject. The scheme of this bill was, that the Bishop should issue a commission, with notice to the party charged, to enter into the charge for the purpose of ascertaining its truth or falsehood. This was important, as it would enable the Bishop to dispose of the question without litigation. The Bishop had, therefore, the opportunity, if the parties concurred, of deciding the charge on his own judgment. If, however, the party accused objected, the Bishop could establish a tribunal under his own immediate controul, a court consisting of three assessors, one of them a barrister, and therefore, presumed to be competent to give an opinion on all matters of law. In that tribunal, the Bishop would have the power to proceed to adjudication on the charge. He would also have the power of remitting it to the Court of Arches, a practice which he thought the Bishops would most generally adopt, to undergo proper investigation before that tribunal. The sentence of the Court of Arches would receive all the attention which that court gave to all questions, and would adjudicate finally between the two parties, unless they thought fit to carry it to the highest court of appeal in this country—the Judicial Committee of the Privy Council. If the Bishop decided on the charge himself, the party accused would have the power of appealing to the court of the Archbishop. He had doubts whether that should stand a part of the bill. It might, however, be considered in Committee. The bill, though not exactly the measure which he would have recommended, approached so near to his views, that he had no hesitation in giving to it his cordial support.

The Archbishop of *Canterbury* on the part of the clergy, gave his cordial approbation to the bill.

The Bishop of *Exeter* entirely and heartily concurred in this measure. He should not have said a word upon it, had not the noble Lord on the woolsack said, that he liked it, because it approached so near the bill of last year. Now, he (the Bishop of Exeter) gave his assent to it, because it was in principle quite adverse to that measure. The difference between the two measures, was, that in this measure the Bishops were the source of jurisdiction, whilst in the measure of last year the Court of Arches was. That difference induced him to support the bill.

Lord *Ellenborough* approved of the bill, but suggested that it ought to contain a power to put out of the ministry any clerk for misconduct which would have excluded him from admission into it. Whether Parliament would agree to give that power, he knew not; but till that power was given, it was in vain to talk of Church extension, or of building new Churches, or of providing additional funds for the support of the clergy, for they would not have that laborious and diligent clergy, which would be the best protection to the Church from all the dangers by which it was encompassed. In the bill then before the House, several amendments might be made, but the present was not a convenient time for proposing them. Perhaps the most convenient course to pursue would be for him to communicate in private to the most rev. Prelate, or to the noble Lord on the woolsack, the amendments which he thought ought to be made. If not, he should suggest them to their Lordships when the bill got into Committee.

The *Lord Chancellor* replied, and observed, that the machinery of this bill was only for improving the administration of the existing law.

Bill read a second time.

EPISCOPAL CHURCH (SCOTLAND).] Their Lordships having resolved themselves into committee on the Episcopal Church (Scotland) Bill,

The Archbishop of *Canterbury* said, that the object of the bill was to enable the clergy of the Episcopal Church in Scotland, not to hold benefices, but to officiate in England as curates, under certain restrictions—with the consent of the Bishop. The most rev. Prelate read two letters from Clergymen of the Scotch Episcopal Church, thanking him for his exertions with regard to the bill, and stating, that it would confer a boon on them which would add considerably to their respectability and efficiency. He thought, therefore, that their Lordships should not object to the bill, as it would be received as such a compliment by the Scotch clergy, while at the same time, it did not authorise them to receive any of the emoluments of the Church. He wished to extend the boon to the clergy of the Episcopal Church of the United States, who also derived their succession from the Episcopal Church of this country, and would introduce a provision for this purpose, which he hoped would be received as a proof of a disposition to meet them as brothers.

Bill went through committee, House resumed. Report to be received.

HOUSE OF COMMONS,

Thursday, June 25, 1840.

MINUTES.] Bills. Read a first time:—Turnpike Trusts.—Read a third time:—Timber Ships.

Petitions presented. By Mr. Ward, Mr. G. W. Wood, Mr. Scholefield, Mr. Grote, Sir W. James, Mr. Ewart, and others, from London, Darlington, Shepton Mallet, Rochdale, Wigan, Kirkcudbright, Penzance, New Sarum, Chippenham, Liverpool, Trowbridge, Warminster, and various other places, for a reduction of the Sugar Duties.—By Mr. Greg, from Dissenting Congregations in Merionetshire, against any Grant for Building Churches.—By Mr. Sergeant Talfourd, from Troubridge, and Paisley, to Mitigate the Punishment of Mr. Feargus O'Connor.—By the Attorney-general, from Attorneys and Solicitors in London, to remove the Courts of Law to Lincoln's-inn-fields.—By Mr. Wilbraham, from Cheshire, against Rating Stock in Trade.—By Mr. T. Duncombe, from Polish Refugees, to participate in the Parliamentary Grant.—By Mr. G. Knight, from the Churchwardens of St. George's, Hanover-square, against the Parochial Assessment Act.—By Colonel T. Wood, from Hayes, against the Metropolitan Police Bill.—By Mr. Oswald, from Glasgow, against the employment of Climbing Boys.—By Colonel Conolly, from Fisherman of the county of Donegal, for Encouragement.—By Sir R. Inglis, from New Brunswick, and other places in Dorsetshire, and Cheshire, for Church Extension, and against the alienation of Church Property.—By Mr. O'Connell, from his Constituents, deprecating further hostilities against China; and from the Catholic Bishop, and the Vicar-General of Montreal, against the Bill for the Union of the Canadas-

SUGAR DUTIES.] Lord J. Russell moved the Order of the Day for going into Committee on the Sugar Duties' Bill.

House in Committee.

On the first clause being put,

Mr. *Ewart* said, he felt himself called on, in answer to invitations he had received from many quarters, to make again an attempt to bring forward the subject of the Sugar Duties, although he should put the motion in another shape from that into which he had last year thrown it. The price of sugar did not much affect the rich, but it was a subject which came home to the business and bosoms of the poor. Now, the foreign artisan paid but 4½*d.* per lb. for his sugar, while the English artisan had to pay as much as 10*d.* when it was refined. Even for the worst unrefined article he had to pay $7\frac{1}{2}d.$, while the foreign artisan only paid $4\frac{1}{2}d.$ for a much better article. The consequence was, that many poor people were driven to the use of treacle as a substitute for sugar, and they paid even for that 1*d.* per lb. more than was paid by the foreign artisan for sugar. As a natural result, the quantity of sugar imported had diminished. In the year 1832, the quantity of sugar imported amounted to 220,000 tons; but by the last returns, it appeared that the quantity now imported was only 193,000 tons, showing a falling off in seven years of 27,000 tons. Upon a comparison of the last ten years, it appears that the imports of the West India sugar had decreased by 40,000 tons, and taking the ten years between 1820 and 1830, there was a diminution to the extent of 50,000 tons. It should be borne in mind, that in the meantime the population had increased, and if the price of sugar had not been too high the consumption would have been greater than before, and the imports would have increased instead of being diminished. This year the diminution promised to be in a larger proportion than in former years, and it was probable that the imports of this year would be less than those of last year to the extraordinary amount of 12,000 tons. Hon. Gentlemen might suppose that there was a large stock of sugar on hand, and that this might account for the decrease in the imports, but the stock in hand was very low. The deliveries of West India sugar in May last amounted to 1,540 tons per week, and to meet those deliveries, the stock on hand was 3,870 tons, being only sufficient to supply the demand for two or three weeks. Again, to meet the deliveries in May last, there were required of all sugars, West India, Mauritius, and Bengal, 2,180 tons per week, and the whole stock on hand in the country amounted to 8,300 tons, so that there was not enough to last for more than a single month. Now, the price of British colonial sugar in bond was exactly 49*s.* per cwt., and the price of foreign free labour sugar was but 22*s.* It followed, therefore, that we paid 123 per cent. for colonial above foreign sugar, and taking the annual consumption to be 200,000 tons, we were consequently taxed to favour the colonies to an amount ranging between 4,000,000*l.* and 5,000,000*l.* per annum. The effect of this high price of sugar was the same as in the case of other articles, and the consumption was greatly diminished. He would now proceed to show that the revenue would be materially benefitted by a reduction of the duty. He would suppose that the duty on foreign sugar was reduced from 63*s.* to 34*s.*, and taking the present consumption to be 200,000 tons, and the annual increase of the population to be fifteen per cent., the existing consumption would be increased by 30,000 tons, which would give 1,000,000*l.* a-year to the revenue. This would be the result of the reduction of the duty on foreign sugar. He must say, that he was strongly inclined to reduce the duty on West India sugar also, and in the motion which he should submit to the House, he should certainly have made a proposition to that effect, but he was not quite sure that the revenue would come round all at once, although he had no doubt that it would ultimately, but these were not the halcyon days of the Exchequer, and he was averse from making any proposition which might embarrass his right hon. Friend at the head of that department. He begged, however, to press upon his right hon. Friend's attention the danger which was to be apprehended to the revenue, if from the present high price of sugar the people should become disused to its consumption. The habit once lost, might not be resumed. His wish was to propose that a reduction of the duties should be made in favour of free labour sugar only, as he was anxious to confine the benefit of the proposed reduction to the manufacturers of sugar not made by slaves. But his right hon. Friend, the President of the Board of Trade, had stated that we could not make this reduction in favour of free labour sugar without violating existing treaties. The treaty with Brazil stood in the way, as its terms did not allow us to admit into this country any sugar at a lower rate of duty than that charged upon the produce of Brazil. The treaty with Brazil would expire in 1842, properly speaking, but as two years' notice was to be given, probably it would continue in force for three or four years longer. He admitted that, while that treaty was in existence, there was some difficulty in reducing the duty on sugar produced by free labour in other countries. But would the Chancellor of the Exchequer wait four years, leaving the sugar market in its present state, and take no step in advance for the admission of foreign sugar generally? His views were quite in accordance with those of many persons out of that House, who were anxious for the extinction of slavery, as well as of many hon. Gentleman within it; and, therefore, he came forward to propose the reduction of the duties on foreign sugars generally. He did so in the fullest confidence that the power of free labour was equal, nay superior, to slave labour. He was not afraid that free labour should encounter slave labour in the markets of the world, for it was his belief that it would beat its rival. Free labour sugar was produced in Siam, China, Manilla, and Java, and sent to the continental markets to compete with slave produce; and it was most successful in its competition, both with regard to quantity and quality. Last year he had stated, that in quantity it exceeded 56,000 tons, and since then it had considerably increased, while it had vastly improved in quality. He was not singular in his opinion on the great superiority of free labour over slave labour. Many ardent abolitionists entertained that opinion, but it was not confined to them. Even in the island of Cuba it was beginning to prevail. A society had been established there, having for its object the mitigation and final abolition of slavery, and conversant as the founders of that society were with slavery, it was worthy of remark, that they commenced their operations by laying down this axiom—"the labour of one free man is equal to that of two slaves." But that was no new doctrine. It was as old as Homer, who had immortalized it in his verses. He was not going to quote the original Greek. No: he would leave that to the hon. Member for Lambeth.

> "The day that makes a man a slave,
> Takes half his worth away."

Those who desired to abolish the slave trade, should look to commerce as the grand instrument by which that object was to be achieved. He did not believe that the iniquitous traffic was to be put down by gun-boats on the western coast of Africa, or by the warfare of duties. Neither naval armaments, nor military power, nor grants of money, would procure liberty for the slave and make that liberty permanent. By commerce, and by commercial intercourse only, was that object to be accomplished. Not only did the present high rate of duties exclude the sugar of those countries which he had mentioned, but even if Africa herself were to enter on the cultivation of sugar, her industry and infant commerce would be stifled and destroyed. It was said, that the high duties must be continued until the West Indies recovered themselves. But he contended, that the safest and speediest modes of effecting that object would be first to reduce the duties; secondly, to give the West Indies the proper means of increasing their industry by facilitating emigration, taking care that it proceed in a proper manner under the authority of the Government, so that it could not be abused. The third plan was to give to the West Indian interest the benefit of competition; they should encounter in the markets other sugar, other coffee, other cocoa, and then, the manufacture of sugar, like other trades, would be more vigorous and successful than it possibly could be under the present unnatural monopoly. Monopoly was a misfortune to commerce, and to the sugar growers themselves. If they took an unprejudiced view of the question, they would be convinced that such was the fact. The hon. Member for Kilkenny had decorated the walls of the library of the House with *Walker's Mercantile Chart*, from which it appeared that those countries which most enjoyed the privilege of monopoly were subject to the greatest fluctuation of prices. Not only was the present high rate of duty detrimental to commerce, but to the public of this country. The people were now beginning, in large masses, to abandon intoxicating drinks and to use the more temperate beverages, coffee and tea. They should, therefore, have sugar placed within their reach. Mr. Huskisson, in 1829, stated in that House, that of the poor, who were consumers of coffee in this country, only two-thirds could afford to use sugar with their coffee. That was the result of the high price of sugar. The number of coffee-shops in the metropolis had wonderfully increased within the last few years. In 1811, he believed there was but one coffee-shop; now there were about 2,000. These places were frequented by the labourer and the artisan, and other persons in the lower ranks of society, who heretofore were accustomed to spend their leisure hours in ale-houses. These coffee-shops appeared to him to be highly favourable to the morals of the working classes, and he thought it would be much more advantageous to encourage them and give them upon cheap terms the means of carrying on their trade, than to afford facilities to dealers in intoxicating liquors. Not only were those coffee-shops free from intoxicating drinks, but they had the further merit of aiding in the diffusion of knowledge, for they were usually filled with literary periodicals and with newspapers, yet the Government refused to lower the Sugar Duties, although the demand for sugar was now, owing to the marked change in the manners of the people, much greater than it had ever been. The present question, however important it might be, was only part of a much more extended question, namely, that which involved the great principle of reducing duties with a view to an increase of the revenue. The hon. Member concluded by moving an addition to the clause, to reduce the duties payable upon foreign sugar, from 63*s.* per cwt. to 34*s.*

Mr. *Thornley* seconded the motion. He was convinced that the time was now arrived, when both as regarded the consumption of the country and the benefit of the revenue, the prohibitory duty on the importation of foreign sugar ought to be removed. The duty paid annually on the importation of sugar for home consumption amounted to 4,600,000*l.*, at a duty of 24*s.* per cent.; and as colonial sugar was now 24*s.* per cent. dearer than foreign sugar, this country was paying annually 4,600,000*l.* additional, in consequence of the prohibition of foreign sugar. There had been a strong feeling against the Corn-laws during the last two years, although both Houses had recently signified their approbation of them; but, with respect to corn, we had at least the advantage of a sliding scale of duty, whereby as prices rose, the duty was reduced; and, at the present moment, after two bad harvests, wheat was admissable at 18*s.* 8*d.* per quarter, being a duty of about 40 per cent. *ad valorem.* Whereas, with a supply of sugar from our own colonies totally inadequate to our consumption, the duty on foreign sugar remained at 63*s.* per cwt., or about 300 per cent. above the price in bond. The reduction of the sugar duties was not a new question; for in 1829 Mr. Charles Grant moved that the duty on British plantation sugar should be reduced to 20*s.*, East India 25*s.*, and foreign 28*s.*, and the motion was lost by only thirty-eight votes—the numbers being ninety-eight to sixty. Surely then the motion of his hon. Friend was worthy of consideration. A distinction had been attempted to be drawn between free labour sugar and slave labour sugar; but those who drew these distinctions should, on the same principle, prohibit everything, the produce of slave labour. They should begin by prohibiting the importation of cotton wool from the United States and the Brazils, and by so doing they would at once throw a million and a half of our artizans out of employment. They should then prohibit the importation of tobacco, an article which produced a revenue of three millions and a half annually. But foreign sugar, whether the produce of free or slave labour—for the refiner bought the cheapest sugar in the market, without reference to its origin—was at this moment refined in bond, and exported to the different British colonies, and to the West Indian colonies as well as the others, so that the West India colonists actually purchased foreign sugar for their own consumption, so as to enable them to send the whole of the crops to England, and thus obtain the monopoly price for the whole they produced. He held in his hand a return of foreign sugar refined in bond, and exported between the 1st of January and the 5th of July in last year: and he found that whilst our people at home were confined to the dear sugars of our own colonies, we were refining foreign sugars in bond, and exporting them to various parts of the world, and especially supplying our colonies in New South Wales, in North America, and even the West Indies. The trade of refining in bond was now carried on to a great extent, for he found from the price current, that in Liverpool alone there were sold in bond last week, for refining, 250 cases, 930 bags and barrels of Brazil sugar, and 109 boxes 110 casks of Cuba sugar. Our merchants carried on a large trade with the Brazils, and they must take sugar and coffee in exchange, although the produce of slave labour; and if they were not permitted to import them into this country, they would send them to Hamburgh or Rotterdam. He had presented, on Friday, a petition from Wolverhampton, signed by 4,000 persons, praying for a reduction in the duty on sugar. He was not aware of such a petition being originated, and had not suggested it; but his friend, who apprized him of it, stated "It was a sad state of things that it should be necessary for us to petition our Legislature to do that which every man of common sense knows ought to have been done long ago." He quite agreed with this correspondent, and would only add that after increasing the various estimates of the public expenditure, and imposing new taxes, if the House did not afford the relief suggested by his hon. Friend, he should consider this the most discouraging session that had ever occurred since he had the honour of a seat in the House.

Mr. *Labouchere* was sure the committee would feel that the hon. Member for Wigan, (Mr. Ewart) need not have commenced his speech by making any apology for bringing a question of this sort before the House. Whether regarded in a financial, a commercial, or a colonial point of view, the question was one of such great importance as to render it at all times an extremely proper subject to be discussed in that branch of the Legislature. He must also admit, that there were circumstances connected with the subject—circumstances which had led numerous bodies of persons interested in the great branches of trade to petition Parliament, which at the present moment rendered it natural and proper, even more than at any other time, that the question should be seriously considered by the House of Commons. For his own part, although he was not prepared to come to the conclusion to which his hon. Friend invited him, he rejoiced that the attention of the House, and through the House the attention of the country, should be called to this subject, because he believed that, in many respects, a very mistaken idea prevailed regarding the duties on sugar and the effect produced by them. He was not at all disposed to deny that the present state of things with regard to the sugar trade could not be looked upon without concern and apprehension. In point of fact, a great revolution had been effected in that trade. Until recently, our own colonial possessions produced so much sugar that they were not only able adequately and completely to supply the market of this country, but to furnish a surplus, which having been refined in England, was subsequently exported for the consumption of other nations. The changes which had lately taken place in the domestic economy of our West India possessions, had undoubtedly produced this effect, that whilst the population of this country was materially increasing, the produce of the colonies had fallen off to such a degree as to render them incapable of supplying the wants of the British market. The consequence was, that whereas formerly they possessed only a nominal monopoly of the British market, they now possessed a real and positive monopoly of it. Undoubtedly, in a legal point of view, they possessed no greater monopoly at the present moment than in previous years; but whilst the produce of the colonies was greater than the consumption in England, and whilst the surplus imported into this country was exported to other countries, the price in England was of course very much regulated by the prices abroad. But now that the produce of the colonies was so reduced as to be inadequate even to the demands of the British market, the monopoly, instead of being merely nominal, became real and positive. The result, which he did not wish to conceal from the House, was this—that at the present moment the price of sugar was high to an unexampled degree—higher than it had ever been since the year 1814. He was compelled to admit that fact; and also to admit that the supply had this year been unusually and extremely small; that the distress in the sugar trade was great, and that the injury inflicted upon the consumer was very considerable. He agreed with his hon. Friend (Mr. Ewart) that the stock in hand of colonial sugar was short and scanty to a degree which, he believed of late years, had never been equalled. Therefore if, on looking at this question, he were to do so merely in a financial and commercial point of view—if he applied to it only the ordinary rules by which the House ought to be guided in discussing matters of this kind—rules which involved the extension of a due protection to the colonies, to the consumers of colonial produce, and to the trade of this country—he should have no hesitation in saying that an abundant case had been made out for a reduction of the duty upon foreign sugar, to such an extent, as should admit of its importation into this country. But could they for a moment induce themselves to say that the whole question of sugar and of the sugar trade was one of that simple nature? Could they for a moment induce themselves to say that this question was not one which they were bound to consider in connexion with many others? Could they bring themselves to believe that they would be meeting the real wishes of their constituents, or that they would be doing their duty to the country, if in dealing with this question they excluded the consideration of other matters of a very important nature, which they were bound to bear in their minds when they attempted to deal with anything affecting the interests of the sugar producing colonies. He had felt it his duty to look over the great majority of the petitions which had been presented from the large towns, praying for an alteration of the sugar duties, and had directed his attention especially to the petition from Sheffield. What was the prayer of that petition? The petitioners did not pray for that which the motion of his hon. Friend required. They did not ask that foreign sugar should be admitted into the markets of this country indiscriminately—but merely that sugar, the produce of free labour, might be allowed to be introduced under such advantages as to exclude all sugar the produce of slave labour. Now, it was important that the country generally, should understand that the prayer to admit free labour sugar to the exclusion of slave labour sugar was a prayer to which the Government could not assent; because they could not admit a single pound of free-labour sugar from other parts of the world without violating solemn engagements into which they had entered with the Brazils, the United States of North America, and with other sugar producing countries. The motion of his hon. Friend was for the admission of foreign sugar generally—whether that foreign sugar were the produce of free labour or of slave labour. His hon. Friend had said, that he felt a deep interest in the welfare of the negro, and that he should be ready to make great sacrifices to secure his freedom and improve his condition. And then his hon. Friend proceeded to say—"I have very great faith in free labour, and am satisfied that it will come into successful competition with slave labour." Ultimately that might be the case. He hoped it might; but considering that they were now legislating only for a single year, he thought no man could say that the effect of his hon. Friend's resolution, if carried, would be to let in any great quantity of foreign sugar from those distant countries where the labour was free. No one, he thought, could entertain a doubt that within the limited period to which this measure would extend, the great mass of the foreign sugar imported into this country would be from the Brazils—a country which was comparatively near to us, and with which we carried on a large and valuable trade. In the Brazils no sugar was produced except by slave labour. He confessed that he felt it to be a very painful duty to oppose this motion; but the question he had to ask himself was this, whether he would this year consent to give such a stimulus to slave labour in the Brazils, and other countries where slaves were employed, as would be produced by throwing open the market of this country to the reception of their sugar? He owned he was not able to make up his mind that that was a course which he ought to recommend to the House. He did not believe that it would be agreeable to their constituents when they came to understand all the facts of the case. He knew it might be said that these distinctions about free labour and slave labour were absurd, and quite inconsistent with the policy of this country in other respects. His hon. Friend, the Member for Wolverhampton (Mr. Thornely) had advanced that argument, and in proof of its accuracy, had referred to the commodities of tobacco, cotton, and coffee, which were the produce of slave labour, but which were, nevertheless, imported in very large quantities into this country. He was not prepared to say that upon this subject the course of legislation in England had been consistent, but he thought that a broad distinction was to be drawn between the importation of sugar and the importation of tobacco and cotton. It was to be borne in mind that the two latter commodities did not enter into competition with any similar articles raised by free labour in our own colonies. There was this distinction, also, to be drawn with respect to coffee, that our own colonies had never possessed the exclusive market of this country for the supply of it. But the question now was, whether we should this year throw into the British market a large quantity of slave grown sugar. Without pledging himself to any abstract opinion upon the question, he must again say that he was not prepared to recommend the committee to assent to the proposal of his hon. Friend. Several gentlemen connected with the colonial interest had urged upon him an argument which he certainly thought entitled to much weight. They stated that there were many circumstances which pressed very hardly upon them in the course of the year just gone by, and they held out expectations which he thought not without foundation, and which he sincerely hoped might be realised, that the present deficient supply from the West Indies was only temporary, and that they entertained hopes of being able not only to revive, but to extend the cultivation of the sugar-cane. On looking at the returns which had been laid before Parliament upon the subject, he found that the total supply of sugar entered for home consumption had been very nearly stationary since the year 1830. This, with a constantly and rapidly increasing population, showed that the supply of late years must have been deficient, and it appeared from the returns that this deficiency rested entirely with the West India colonies. He found that the diminution in the supply from that part of our possessions was gradual for the first five years, but most rapid and sudden within the last four-and-twenty months; for on referring to the returns he saw that whereas in 1838 there were imported from the West Indies 3,500,000 cwts. of sugar, in 1839 the quantity imported from the same quarter fell down to 2,822,000cwt. He found, also, that whilst this diminution was going on in the supply from the West Indies, the quantity imported from the East Indies and the Mauritius considerably increased — so much so that last year there was imported from those distant regions no less a quantity than 1,131,000cwt. That fact, undoubtedly, justified a hope that we might look to that quarter for a very considerable supply of this necessary article of consumption. But when he came to look more closely into what had been the cause of the short supply from the West Indies, he certainly found some reason to hope that the assertions made by the Gentlemen connected with those colonies were not without foundation, and that the short supply of last year had been very much occasioned by causes which there was every ground to hope would not apply to the produce of another year. It had been alleged, and he thought with truth, that immediately after the termination of the apprenticeship system, there was a very great indisposition on the part of the negroes to apply themselves to that which was the most laborious of all their occupations—the putting in of the sugar-cane; and that the colonies were at this moment feeling the effect of the imperfect cultivation which ensued. That difficulty, however, was in a great measure overcome, and, in another year, it was not expected to operate to anything like the extent to which it had prevailed during the last two or three years. There was another circumstance of a local and temporary nature, which very much affected the supply from the West Indies. There had been a season of peculiar drought in some of those possessions from which we usually looked for a large supply of sugar. It was stated by the Governor of Demerara that in that colony alone the drought had been such as to cause a diminution of at least one-third of the ordinary crop. These were all reasons which might lead the House to hope that the present deficiency was only of a temporary nature. But be that as it might, he believed that the people of this country required the great experiment which they had undertaken to be fairly tried, and he was satisfied that they would think it was not fairly tried if at this moment, when the colonists were struggling with such difficulties as he had described, and which were mainly incidental upon the alterations which the experiment necessarily introduced into the social condition of the West Indies—we were to open the flood-gates of a foreign supply, and to inundate the British market with sugar, the produce of slave labour. He did not know that it would be necessary for him to trouble the committee with any further observations. He rejoiced that the subject had been brought forward—rejoiced that it had been fairly laid before the House, but after the best consideration he could bestow upon the subject, he came to the conclusion, that it would not be consistent with his duty to recommend the committee to make any alteration in the present year in the duty on foreign sugar.

Mr. *Hume* thought that many of the statements and arguments advanced by the right hon. Gentleman ought to have brought him to a different conclusion. He (Mr. Hume) was of opinion that the House had been very culpable for years past in refusing to reduce the duty on foreign sugar. It was originally levied as a war tax, under a solemn pledge that it should be reduced on the return of peace. Since the year 1818, various attempts had been made to effect a reduction, but none of them had been attended with the success they deserved. In dealing with this question the House had two points to consider—the one, the situation of the West Indies, and the other the situation of this country. It was said that the West Indies were suffering from a deficiency in the supply of labour. He thought that the Government was very culpable in not taking the necessary steps to remedy the deficiency, by facilitating the immigration of free labourers. He thought the conduct of the Government, when the Colonial Passengers' Bill was under discussion in that House, was quite inconsistent with the arguments now advanced by the right hon. Gentleman, the President of the Board of Trade. He believed that if a general permission were given to transmit free labour, under proper regulations, from those parts of our possessions where employment was not to be had to those other parts where labour was in the utmost demand, the best results would ensue. He was most anxious to see the experiment of free labour fairly tried. He was satisfied that the best way of putting down slave labour was to show that free labour was the more valuable of the two. He entirely concurred in the motion of his hon. Friend, though he regretted that it did not go much further. With regard to the revenue, he was quite satisfied that it would be benefitted by the alteration proposed. He thought that Government ought to take the proposition of his hon. Friend into their consideration. The people of England had privations enough, without being deprived of sugar, which had now become a necessary article of existence. The Legislature ought, therefore, to lessen its price so as to bring it within the power of those to purchase to whom it is now denied.

Mr. *Hawes* would support the motion, notwithstanding he had voted against the Colonial Passengers' Bill: he saw no inconsistency in doing so; the whole question then was, whether free labour could be introduced into the Mauritius. He had opposed this because he thought, with others, that they needed more information on the subject, and because he was not altogether sure that the class of persons they proposed to introduce were free agents. The whole of the arguments of the President of the Board of trade were in favour of a reduction of the duty; but then, said that right hon. Gentleman, "do not make the alteration just now, till we have obtained some fair experience of the working of the system in the West Indies." But such language was only telling the people of England that they must pay 4,000,000*l.* more till they saw whether the West Indies could or could not produce a greater quantity of sugar. Was there any weight in the argument for a future increase of sugar? To be convinced of this, they would have to wait an indefinite time. There were about 3,800,000 cwts. of sugar introduced for home consumption when slavery was in full operation. In 1838, the first year of the abolition of the apprenticeship system, there were 3,369,000 cwts. In 1839, 2,790,000 cwts., there being a difference of half a million cwts. between 1838 and 1839. He was informed that next year there would be still a further short-coming, so that altogether they would have deficiency of not less than 1,000,000 cwts. Could any Gentleman state that there was the least probability of the produce being increased to that amount. It was wholly visionary to suppose it could be. The interests of the consumers were entirely neglected in that House. The price of sugar abroad was from 21*s.* to 22*s.* while in this country it was 48*s.* per cwt. Why, then, were the people taxed to that amount? The only reason was, that the Government sought to confine the growing of sugar to our own colonies, but he contended that that was adverse to the interests of the people of this country. Could they expect to receive the same revenue from the duty on sugar if the high price continued as they would do if the price was reduced? Suppose a reduction should take place next year what would be the consequence? Would they not find Government proposing another additional five per cent. to the general taxation? He must say, that the whole question was one which reflected no credit on the House. Their whole attention was given in reference to the interests of special classes. He wished they could understand the cost and the misery such an artificial system of legislation inflicted on the people of this country. He had presented that day a petition from 5,000 persons on this subject, and what answer was to be given them? None. The minister had only to say that he would support the shipping of the colonial interest, and he was sure of the support of the landed interest, while all the three combined against the interests of the people. If political power was always to be adverse to the consumer, they would find that class gain strength, and when their strength and indignation had gained its height, then it would be that the House would find the constitution to be one of paper, without the respect or affection of the people to support it in the day of trial. He trusted, however, they would give this subject a fair consideration.

Sir *S. Lushington* was the representative of no particular interest, but of 400,000 persons, consumers of the article on which they were debating. The hon. Member for Lambeth, had thought fit to assume an opinion, for the consumers, and further to assume that that opinion was in favour of the present proposition. He doubted this. If the hon. Member could test public opinion on this question, he would find, looking to the consequences of the motion—that even the sense of individual convenience would give way to a great public good. He represented a constituency of 400,000 persons, among whom were some of the great sugar refiners, and as far as interest was concerned, he for his own part was desirous that the whole community should obtain their sugars at the lowest price. This was especially the interest of the sugar refiners who had so materially suffered under their recent misfortunes. But he was also the representative of the community of Great Britain, and he was not prepared to say, that considering all the principles which they professed to maintain, and which he thought they would still prefer, they could ever be induced to accede to the present proposition. His hon. Friend thought they would prefer to have their sugar at a lower price to the great object to which they had directed themselves. His opinion was, that they were not actuated by views of lucre alone. He believed that they had higher and superior views. It was impossible to admit foreign sugar free. He would be glad to admit sugar both from Siam and Manilla, but this country was under an obligation which it could not depart from. Were the circumstances such that they ought to admit slave-grown sugar? He admitted that a diminution in the price generally increased the consumption of an article, but looking to the history of the sugar question—to the present position of this country in reference to that question—looking to the principles and practice of Great Britain, he hoped they would not, in consequence of the high price of sugar, at once—all at once—when emancipation had but just taken place, despair of the effects of that great measure, or in utter hopelessness that free labour was able to compete with slave labour, abandon that great experiment as an utter failure. He had taken some pains to inquire into the grounds for future expectations on this subject, and if the committee would allow him, he would state to them the actual state of the case, as compared with the year 1832, the year antecedent to the passing of the Emancipation Act. He would compare the quantity of sugar imported in January 1833, with the quantity imported on the 5th January 1840. He would show the deficiency, and would account for that deficiency. For nine parts out of ten there were accidental circumstances, and not permanent causes. He had reduced the whole to cwts., because a hogshead very often was a disputed amount; sometimes it contained 22 cwts., at other times only 12 cwts. The total exported from the British plantations for the year ending 5th January, 1832—he spoke from Parliamentary papers, was 3,784,000 cwts. In 1840 the imports were 2,822,872 cwts., being, as he admitted, a diminution from the British plantations of one-fourth, or 961,128 cwts. He would undertake to account for this diminution. In respect to the Mauritius he found the increase, between the years 1830 and 1840, was 84,471 cwts. In regard to the East Indies, he found that in 1832 the imports were 519,596 cwts., while in 1838 they were 882,000 cwts. He would beg the House to remark, that in the first year of freedom the deficiency was only one-tenth. Looking now to the great change that took place in 1838, a more favourable result could not be expected. Compared to this, what did it matter if sugar was a penny a pound dearer? He was satisfied that the public feeling which had brought about the abolition of slavery, would not fail them now. He saw no reason to fear for the future increase of the sugar crops. Looking to the various occupations which of necessity opened themselves up to the negro when his slavery was at an end—looking also to the necessity of his securing some produce for himself—they could not expect, when the shackles were just struck from his limbs, that he would persevere in the same amount of toil as he was compelled to do in his state of slavery. He would show that the reduction had arisen from different causes—wherever sugar was grown — causes beyond the power of man to control. That difference was 961,128 cwt.; but it had arisen from no deficiency of labour. To use the words of Governor Light, "under the most coercive system of labour that difference must have existed." [The hon. and learned Member read some extracts from despatches of Governor Light's, to the effect that the excessive drought at Demerara had materially affected the sugar crops]. He wished to show the extent of the calamity that prevailed, and for that purpose he begged to refer to another despatch of the same Governor, dated the 15th of October, 1839, which was as follows:

> "The quantity shipped of sugar is considerably less than in the corresponding quarters of 1831, 1832, and 1833; it is in hogsheads 2,765 less than the corresponding quarter last year. It is a fact that from the unfavourable season during a portion of the year, the canes have yielded one third less than usual."

The drought also prevailed to a great extent in Barbadoes. There was a deficiency in that colony of 10,000 hogsheads, containing each 14 cwt., making a deficiency of 140,000 cwt. This, then, accounted for the decrease of 1840 as compared with 1832, which, after all, was only one-twentieth of the whole amount. Would any man then say, that the act of emancipation had not realised their best hopes? It was of importance, in the next place, to consider what their future prospects were. Was there, or was there not, a prospect of a larger crop? There was every reason to expect, if God sent them good seasons, that there would be in British Guiana an increase of production instead of a decrease: and he would say, with respect to the island of Jamaica, that although there were many estates that must in a few years be worked out and exhausted, yet there was a great portion of land, considerably more than the extent of those estates, which was capable of being brought into cultivation, and which he had no doubt would be brought into cultivation, if no unwise legislative interference occurred to prevent it. If foreign sugars were allowed to be introduced into this country, the inevitable effect would be to destroy and utterly annihilate all hopes of a successful termination of the great experiment which England, to her everlasting honour, had entered upon. It was their duty to extend every indulgence towards that experiment, and towards the colonies in which it was being made, until they had ascertained, not by the prognostications of persons who had no certain knowledge upon which to proceed, but by the test of true experience, tried by due course of time, whether or not those colonies would produce an adequate supply of sugar, and exclude foreign sugar from the British market, to the infinite benefit, not to the owners of colonial property alone, but to the public at large. If the House adopted the proposition now before them, then might they at once break up their treaties with foreign nations, withdraw their cruisers, and sacrifice no more of their money in aid of a cause which, the moment that proposition became law, must inevitably be destroyed. That hour when foreign sugar should come into competition with sugar grown by free labour—in that hour would the fate of Africa be sealed. That hour would perpetuate slavery in Cuba, in the Brazils, in Martinique, in Guadaloupe, and in every other country where slavery prevailed. It would not perpetuate slavery, but it would add to that trade, which was at present carried on with unabated activity, and aggravate the great crime against humanity to an extent and magnitude he dared not attempt to describe. Did his hon. Friend the Member for Lambeth believe that the people of England would consent to this proposition? Was that his judgment of the opinion of the people of England? During their five and thirty years labour in this great cause, had they ever made a complaint against these duties? There were a few petitions, it was true, against them; but could those petitions be for a moment compared with the thousands and thousands of petitions which loaded the table in favour of the adoption of that principle which would be utterly destroyed if the present proposition were agreed to. He was himself in favour of the principle of reduction of duties, but never at the sacrifice of another principle dearer to the hearts of men than any that could be conceived. He remembered, when the slave-trade was proposed to be given up, and when it was urged by the opponents of that measure that the trade was a nursery for British seamen, and that it produced millions of pounds of capital to this country, and tended to augment its national resources, the father of the noble Lord opposite used this expression—"I dare not weigh gold against blood." Such was the expression used by the Earl of Harrowby on that occasion. He entreated the Government to persevere in their present line of conduct, until a departure from it should become absolutely necessary. And certain he was, from his long experience of their feelings on this point, if a fair appeal were made to the people of this country, that the great majority of them would deprecate nothing on earth so much as the adoption of a measure which was certain to tend to the perpetuation of slavery, and sure to aggravate the misery of the slave.

Mr. *A. Chapman* did not believe that any measure which involved the breach of treaties, and was calculated to perpetuate slavery could be advantageous to the shipping interest, and therefore, however much he might otherwise be disposed to support the hon. Member for Wigan, he could not do so on the present occasion.

Mr. *O'Connell* never gave a vote with a greater conviction of its propriety, than the vote he should give against the motion of the hon. Member for Wigan. He thought the motion did not go far enough. The hon. Member ought to bring in a bill to repeal the Slavery Emancipation Act; for if they were to encourage slave-grown sugar, why should they not let their own countrymen have the benefit of it. He was glad the motion had arisen so early, because the people would be prepared to decide whether they preferred dear sugar or slavery. The question now presented itself like the children's fable, "Get a larger loaf and a father's curse." Would they have cheap sugar, and slavery together? If they did not prefer both together, then they would take the chance of dearer sugar with emancipation. There was no disappointment in what had taken place; everybody could foresee that sugar would become dearer after negro emancipation; but was there the least prospect that it would continue dearer? But, mark another gross inconsistency. You send, at a great expense, a naval force to the coast of Africa to watch the transportation of slaves, and if possible to prevent it. But if the slavers fortunately evaded the watchfulness of your cruisers, what did you do? You held out a bribe to the slavers the moment they arrived in the Brazils, by purchasing the sugar grown there by the labour of those very slaves. All nations would laugh at you for your absurdity. It was an outrage against common sense. It was not from any peculiar affection he had for the negroes of the West Indies that he advocated emancipation; but his compassion equally extended to the negroes of Africa and of the Brazils. He believed that British subjects would treat them with quite as much humanity in the West Indies, as the Portuguese would treat them in Brazils. All that was necessary, however, was to let the people of England understand this question. They were not to be met with lectures on political economy. The doctrines of the political economists might be perfectly true in themselves, but they were inapplicable to the subject. The great measure of negro emancipation set all the doctrines of political economy at defiance. He believed, that they were right, and that they had got into a higher and better region—that of humanity and benevolence; and if they came upon him now with the stale lessons of political economy, he would tell them that they were not applicable to the subject, and that to make them so they must undo all they had done, and must come back to the question of pounds, shillings, and pence, and must balance on the one side the sufferings and the blood of the negro, with the profit and loss that arose from the speculation on the other. No! The people of England had already made their choice. He would warrant that there was no man who would call a public meeting to petition upon this subject. Let them appeal to the public, and tell them how many farthings they would save in the pound of sugar grown by slaves, beyond what they would pay for sugar grown by free labour, and then let the public take their choice. This great experiment ought to be properly carried out. It was the duty of the Government day and night to make the experiment complete; and the planters on their side ought to aid the Government. He was sorry to say, that he did not think the planters in Jamaica had evinced a sufficient readiness to obtain free labour. In Guiana free negro labourers were obtained from North America. He should like to see that done in Jamaica. Jamaica ought to follow the example of Guiana, and encourage, as much as possible, the introduction of labourers of that class who were excellently adapted to the labour to be performed. He rose to protest against the motion, and to declare that it had his most decided opposition. All he desired was, that the people of England might entirely understand that it was a motion for encouraging the consumption of slave-grown sugar; let them understand that, and he had no fear for the result.

Mr. *Villiers* said that he had as little difficulty as the hon. Member for Dublin in coming to a decision upon this question, for it was one of those plain and simple questions which he thought an honest Member of a British constituency ought not to doubt about; for it was one of those questions between the interests of the community at large and a section of it that admitted of no question, and he should take the course he ever had, and ever should upon such occasions, and vote for the community; and it was agreeable to observe that this question was just supported and opposed in the same spirit as all such questions were. He had nothing, therefore, to contend with but all those crooked and contradictory statements which are ever urged, as they ever must be, when they are made against justice and truth, and which he had never seen more completely exemplified than in the present instance; for he asked whether any person could make out what ground it was that the advocates of monopoly, either of the Member for Dublin, or of the Member for the Tower Hamlets, meant to rest their defence; whether they intended to advocate the interests of the planters, or the principles of humanity which had heretofore, he admitted, guided them in their course? for at one moment they told the House of the losses the planters would incur by being exposed to the competition of free labour, repeating in words to the joy of the great array of colonial proprietors opposite, all the very arguments which, for a quarter of a century, have been urged against themselves when pleading for freedom to the negro; and when they have been urging the laws of God, and the rights of man, against an unholy and selfish interest, and which arguments against they have never heeded for an instant; and the next moment they told the House that all they care for is to prevent the produce of slave labour coming into this country—that they care nothing for any interest but that of humanity. What is it, then, they mean? Truly the alliance between the planters and the philanthropists is complete on this occasion, and the delight of the former Gentleman cannot be concealed at the accession of those learned Gentlemen. But how will that satisfy the people of this country, who seek to be relieved from a monopoly? Was there never to be any humanity exhibited in the cause of the people of England? were they the only persons to be excluded from the benevolent purposes of these Gentlemen? Was it only in Jamaica that the least sympathy was to be shown for suffering and misery? Was there never to be one care given for the wants of English people? Were they to be taxed for every purpose, and burthened by every monopoly, without a thought to be given to all they endure? What was the proposition now made? Why, that an article of necessary consumption—that which every human being in this country desires to consume, should be reduced upwards of one half in price, without injuring, but certainly augmenting the revenue; which is tantamount to relieving the poor from a heavy tax on one of their comforts, and that at a time when they are suffering the most intense distress, as they have been suffering for now two years, and when the revenue was declining. Was that justice to England? When was that to be done, he would ask? and what was the pretence on which it was refused in this case? Why that they cannot let the people of this country consume the sugar at less price than monopoly affords it, because it may encourage slave labour. Was that the principle that they were prepared to act upon? If it was, let it be avowed; and if there was a real advantage in it, let it be at once acted upon; but let them be consistent. There was nobody more eager to abolish slavery than himself; but don't let the people of England be told that their sufferings were to be aggravated because the Legislature wanted to discourage slavery in foreign countries as far as their comforts were concerned, but encourage it as long as it might satisfy other wants of the community. Did the hon. Member for Dublin say a word about other products of slave labour? Did he either originate, or say he would support, any general plan for the discouragement of slavery for other purposes? Would he refuse to admit raw cotton? Not a syllable had been said on that matter. But here his hon. Friend, the Member for Wigan, had reason to complain of gross misrepresentation; for it was said that the duty on sugar could not be reduced without the additional quantity introduced being entirely the result of slave labour. Now his hon. Friend said, what every one who cared for the truth knew to be the case, namely, that the best and cheapest sugar may be got from Manilla, Siam, and elsewhere, where there is no slave labour; and, therefore, that the benefit derived from reducing the duty, though it might, perhaps, be in some slight degree prejudicial to the West India planters, whose anticipated losses had been so amply paid for by the English people, yet it may be accomplished in great measure, to the extent his hon. Friend proposed it, without giving any encouragement to slavery, which, it seemed, existed at present in other countries whatever they might do. The House and the country would see, then, that the proposition was one for benefitting the poor in England, for the good of the community at large, and that it was opposed on the ground and upon the pretences which every monopoly, and every sinister intent, was maintained when it was assailed. He cordially supported the proposition of his hon. Friend, because he believed it would be a great advantage to the people of this country, because it would add to the revenue, and not promote slavery.

Mr. *W. Gladstone* said, there were several courses and views which might be taken upon this most important question, which appeared to him to be all equally consistent and intelligible. He could perfectly well understand the course pursued by the hon. Member for Kilkenny (Mr. Hume), who now intended to vote for the motion of the hon. Member for Wigan, although that hon. Member could not fail to see that the effect would be naturally the promotion of the slave trade. But that hon. Member had never been one who made pretensions of sincerity upon the subject of slavery. It was clearly in his recollection, that in the year 1833, at the time the bill for the abolition of slavery had passed through all the preliminary discussions, and had reached to an advanced stage in that House, the hon. Member was the single person who was found to propose that a committee should be appointed to examine into the probability of there being a sufficient supply of free labour, and this he proposed as a substitute for the Slavery Abolition Bill. After having taken such a course as that, the hon. Gentleman was perfectly consistent in the vote he intended to give to-night. So, on the other hand, the hon. Member for Dublin was perfectly consistent in his course, for he had always raised his voice against all slavery, in every form. He must also state that the masterly argument delivered upon this subject to-night, almost relieved him from the task of rising, and made him feel how desirable it was, instead of his endeavouring to argue this question in the character of a person interested in the colonies, to leave it in the charge of one who united the longest experience with a reputation established in the hearts of every one who felt for the interests of humanity. These two classes of persons appeared to him perfectly consistent in the course they had taken; but there was another course which did not appear to him to be either intelligible or consistent with common sense; and that was the course which the hon. Member for Wigan, the hon. Member for Lambeth, and the hon. Member for Wolverhampton had pursued. Those hon. Members were men who were lovers of humanity, and the ardent foes of slavery; at least the two first; the third did not attempt to deck his speech with pretensions bearing mockery on the very face of them. He did not attempt any such disguise. But the hon. Member for Wigan, who made the motion, and the hon. Member for Lambeth, who supported it, did profess to be the ardent friends of freedom, and the foes of slavery in every form. Now, he would ask them, would they consent to stake the issue of this motion upon simply the question, whether it would tend or not tend to encourage slavery? There had been a studious attempt to misrepresent the character of this question. The hon. Member for Wigan had said, that this was a question affecting the West India, the shipping interest, and the landed interest. He denied that it was a West India question. In the first place it was a question of the negro quite as much as of the planters. In the second place it was a question of the East Indies quite as much as of the West Indies? And in the third place, it was a question of free labour against slave labour more than any other. Now, they were all agreed as to the evil that existed. But the hon. Member for Lambeth must have exaggerated extremely when he said, that the additional tax paid by the people for West India sugar, amounted to four millions and a half. He did not believe it amounted to any thing like that sum. Still, no doubt, a very heavy tax was paid, and it was most desirable to adopt any measure to lighten that tax. But with respect to the extent of the evil, the hon. Member ought not to assume that no part of the deficiency of supply that now existed was hereafter to be made good. The right hon. and learned Gentleman opposite, had shown, that so far as cultivation depended upon the will of the negro, the predictions of those who contended that the negroes would not work, had been absolutely falsified. There was a great prospect of an increase of the produce of the West Indies, if they could but increase the supply of labour. That was the whole question. Had any one said that emigration was not desirable, or if it was desirable that it was not practicable? No one had maintained either proposition. Then, with respect to the East Indies, they supplied us at present, annually, with 30,000 or 35,000 tons of sugar, and it was perfectly well known, that the last season, in the East Indies, was extremely unfavourable. The capabilities of the East Indies for production, was unbounded. They had every advantage of cheapness of labour; they wanted but the influence of British capital, and the East Indies might compete with the whole world, in the production of sugar. The grand point yet remained. This was not a question of the interests of the planters in the West Indies, or the cultivators in the East Indies, but it was a question of free labour against slave labour. The hon. Member for Wolverhampton had said, that the question was, whether they would sacrifice the interests of the whole community to those of a portion? Did not this argument of the hon. Member refute itself? Who were the supporters of this so called sacrifice? the right hon. Gentleman, the President of the Board of Trade, on the part of the Government, the right hon. and learned Gentleman, the Member for the Tower Hamlets, and the hon. and learned Member for Dublin; and these were the advocates, who were stamped for the vote they were about to give, as giving a vote for the interests of the West Indian planters. The argument of the hon. Gentleman, the Member for Wigan, was, that Manilla and Siam, China and Java exported 56,000 tons of free grown sugar annually. He allowed that this was an increasing export; but the hon. Gentleman added that these countries now brought their sugar into competition in the market with the produce of slave labour, and he said that he had no fear that the sugar produced by free labour would be able to compete with that produced by slave labour. Now they all knew that the produce of these countries in which there was free labour met the produce of slave labour countries, Brazils, and Cuba, and Porto Rico; the argument then of the hon. Member would be, that there would be an extinction of the trade in slave sugar, and a rapidly increasing trade in free sugar; but what was the fact? Which increased the most? Mr. Buxton, in his valuable work upon slavery, informed them that the crop of sugar in Cuba alone was increased in the year 1838, as compared with 1837, by 18,000 tons, and he came to the conclusion that the quantity of sugar produced by slave labour, during the last century, had increased six fold; the produce of free labour had made no such increase; and, if this were so, how could the hon. Gentleman contend that sugar, the produce of free labour, could or did compete with the produce of slave labour? He must observe, also, that the Emancipation Act had tended to increase the consumption of slave sugar of other countries. He did not say, this to tarnish the glory of that great act; it was an incidental, a collateral result. Before the abolition of slavery, we exported annually 45,000 tons of sugar; since emancipation that amount had been withdrawn, and the void had been filled by an increase of sugar, the produce of slave labour. The effect of emancipation on the slave trade was enough to prove the truth of the prediction, that a further decrease in the quantity of sugar in our own colonies must be to increase the sale of the produce of slave labour. The arguments of the hon. and learned Gentleman, the Member for Wolverhampton, that the interests of the English community were not to be sacrificed to support the interests of a portion, were as good against the Abolition Act, when it was introduced, as they were against the bill that night. One essential part of the act of emancipation was, the compensation to be given to the planters, and therefore, what the hon. Gentleman had said, was as good and valid against that act as it was in favour of the present amendment; for every argument which the hon. Gentleman had used against dear sugar now was equally valid against the payment of twenty millions, which the people of this country had generously given to advance the cause which they had so much at heart. The evil complained of was the high price of sugar; but the remedy which was now proposed brought with it evils ten thousand times worse than the present, for it would be followed by increasing slavery. The real remedy was the increase of the supply of labour to our colonies. The Emancipation Act had passed for seven years, but the Legislature had suspended, up to this time, all means of increasing the supply or labour to the West Indies, and if hon. Gentlemen found grounds for continuing an artificial restriction on the produce of the West Indies, they ought at least to find equal reason to support the present artificial system of duties. With respect to the right hon. Gentleman's remarks on the price of labour in British Guiana, he was not quite accurately informed. During the period of apprenticeship the work was done by way of task, and it was set out in such quantities as it was supposed an apprentice could accomplish in 7½ hours, and he was paid 17½*d*. or 18*d*. for each task, but the truth was, that a task which would be done by a slave or apprentice in 7½ hours, was capable of being accomplished by a free man in much less time, and the free man therefore earned more than the apprentice, the rate of payment for each task remaining the same. He held in his hand the report of two persons, Messrs. Peck and Price, who went to British Guiana from America, as deputies from the coloured people, to see whether, by emigration, they could improve their social condition, without injury to their temporal welfare. They had given a very interesting report; and, under the head of wages, they said that they saw a young woman at field labour who had finished her second task by twelve o'clock, and, upon asking her if she could do a third, she replied, that, if she was inclined after dinner, she would finish the third. They went away for a few hours, and when they returned she had finished the third task, receiving one-third of a dollar for each task. So that it appeared that in the course of twelve hours women at field labour could earn 4*s*. 6*d*. a day. One great cause of the scarcity of labour in the West Indies was not the idleness, but the diligence of the negroes. The cause was obvious. Where wages of this class could be obtained by labourers in field labour, it stood to reason that the honest and diligent man, who chose to perform three tasks, and earn 4*s*. 6*d*. a day, having also the advantage of a house, medical attendance, and provision grounds, would quickly amass such a sum as would enable him to purchase land for himself, and he would thus be taken out of the labour market. This was the most satisfactory state of things that could be imagined, that this industrious class of labourers should raise themselves above the class of labourers. The one thing that was wanted was, as this class was removed and was turned from labourers into proprietors, there should be others found to supply their places, and who would in their turn, and in a short time, attain a similar state of comfort and independence. When, therefore, complaints were made of the want of labour in the West Indies, it was most unjust to charge it upon the labourers themselves No one who had seen the excitement that had existed, the inaptitude of all classes to enter upon a state of freedom, no one who knew the difficulties that presented themselves on entering upon negro emancipation, could deny that the result, upon the whole, had been highly honourable to the class of men whom it affected. He by no means complained of the labourers, or said this in reprobation of the negroes, the want of labour was in a great part the result of their own industry and good conduct; but when the deficiency arose from these causes, they ought to supply, if they could, the stream of emigration that was so necessary. The interests he was contending for were not the interests of a class, not the interests even of a great part of the British empire, but the interests of a great portion of the human race.

Mr. *Hawes* said, that as a Member of Parliament, he had a right to take what views he thought right, without having imputations cast upon him. He had never imposed any restrictions upon the labour of the West Indies; but he had opposed, and he would again oppose the exportation of human beings to the colony of the Mauritius, unless perfect security were given for their freedom. What he contended for was, that his hon. Friend's motion would have no such effect, and would produce no such consequences as the increase of slave labour. He believed, too, that there would be no reduction of sugar grown in Jamaica or the West Indies, but, at the same time, he did not wish to encourage the free labour sugar of the West Indies by any improper restrictions on other sugar.

Mr. *Gladstone* explained that he had imputed no motive to the hon. Member but what he had contended for was, that the clear effect of the present motion would be to encourage slave labour and the slave trade.

Mr. *Ewart*, in reply, said that Mr. Gladstone had used the term in no very courteous manner, of "sensibility on slavery." He would remind the hon. Member that there were those whose sensibilities were only of recent growth, and conveniently matured in accordance with their own interest and with the maintenance of monopoly. He had rested his motion on two positions; first, that the poor (not the rich who slumbered at their clubs) were the sufferers by the present rate of duty upon sugar; secondly, that free-labour sugar could compete, and successfully compete with, and beat the slave-labour sugar out of the markets of the world. On these two grounds alone he based the motion. It would be found that the sugar, the produce of the free-labour of Java, Siam, and Manilla, had increased more than the produce of slave labour, and he had the best authority for stating that the quality of the sugar produced by free labour had greatly improved, and that although these places were more distant than Cuba or the Brazils, yet the cultivators in Siam and Manilla could afford to take less profits and so compensate for the greater distance. On these facts he was convinced that free labour would triumph over slave labour in the markets of the world. The right hon. and learned Member for the Tower Hamlets in opposing this motion, seemed to have been borne away by that impetuous torrent which his hon. Friend the Member for Liverpool, when they were not on such close agreement on the point of slavery, had described as a torrent of lava which was likely to overwhelm him. The dread of the slave trade made the right hon. Gentleman fear what was really not to be feared. The hon. and learned Member for Dublin took the same view as the right hon. Gentleman, but for another reason, the hon. Gentleman had mistaken his (Mr. Ewart's) views, and no wonder that he had taken a wrong impression, because while he (Mr. Ewart) was making his statement, the hon. and learned Member for Dublin was securely and soundly asleep. There had been that night professed a great deal of humanity on the side of real monopoly; they had just seen certain prejudices agree wonderfully with certain false principles. These united to oppose a motion, which was brought forward only because the people could not procure their sugar at a reasonable price; the frequenters of clubs might not know and might not care about the price of sugar, but it was the poor man who felt all the ill effects of the price and who was the chief sufferer, and it was the poor man who was to be sacrificed on the altar of a supposed humanity. The alteration which he proposed would really promote true humanity, it would greatly extend commerce, and even Mr. Buxton was coming to the opinion that the extension of commerce was the best means of putting down slavery. But he should not pertinaciously adhere to his opinion (however conscientiously he had adopted it), if it were the sense of the House and his hon. Friend's that he should not divide the House upon it. If it accorded with their views, that he should proceed to the issue of a division, he at once would do so.

The House divided on the question that the words be added: Ayes 27; Noes 122; Majority 95.

List of the Ayes.

Aglionby, H. A.
Chalmers, P.
Collins, W.
Evans, G.
Feilden, J.
Finch, F.
Hawes, B.
Hector, C. J.
Hobhouse, T. B.
Hume, J.
Humphery, J.
Hutt, W.
Jervis, J.
Marsland, H.
Morris, D.
Norreys, Sir D. J.
Pryme, G.
Salwey, Colonel
Scholefield, J.
Smith, B.
Talfourd, Mr. Sergeant
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.

Wallace, R.
Williams, W.
Wood, B.

TELLERS.
Thornley, T.
Ewart, T.

List of the NOES.

Acland, Sir T. D.
Adam, Admiral
Ainsworth, P.
Alston, R.
Baillie, Colonel
Baillie, H. J.
Baring, rt. hon. F. T.
Barnard, E. G.
Bateson, Sir R.
Berkeley, hon. G.
Bewes, T.
Blair, James
Blake, W. J.
Bolling, W.
Bridgeman, H.
Broadley, H.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Busfeild, W.
Chapman, A.
Clay, W.
Codrington, C. W.
Collier, J.
Craig, W. G.
Dalmeny, Lord
Dalrymple, Sir A.
Darby, G.
Davies, Colonel
Denison, W. J.
Dottin, A. R.
Dowdeswell, W.
Dundas, D.
Evans, W.
Ferguson, Sir R. A.
Gladstone, W. E.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, Sir A. C.
Greg, R. H.
Grey, rt. hon. Sir G.
Harcourt, G. G.
Hawkes, T.
Heathcote, Sir W.
Heneage, G. W.
Hill, Lord A. M. C.
Hindley, C.
Hodges, T. L.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hoskins, K.
Howick, Viscount
Ingham, R.
Inglis, Sir R. H.
Irving, J.
Jones, J.
Kemble, H.
Labouchere, rt. hon. H.
Lennox, Lord A.
Lushington, C.
Lushington, rt. hon. S.
Lygon, hon. General
Macaulay, rt. hn. T. B.
Mackenzie, T.
Maher, J.
Marshall, W.
Maule, hon. F.
Miles, P. W. S.
Morpeth, Viscount
Morrison, J.
O'Brien, C.
O'Connell, D.
Palmer, R.
Palmer, G.
Parker, J.
Parker, M.
Patten, J. W.
Pechell, Captain
Plumptre, J. P.
Protheroe, E.
Pusey, P.
Rawdon, Col. J. D.
Reid, Sir J. R.
Rice, E. R.
Roche, W.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Sandon, Viscount
Scarlett, hon. J. Y.
Slaney, R. A.
Smith, R. V.
Somerset, Lord G.
Stanley, hon. E. J.
Stanley, Lord
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Teignmouth, Lord
Thomas, Colonel H.
Thompson, Mr. Ald.
Tollemache, F. J.
Turner, E.
Vere, Sir C. B.
Vivian, J. E.
Ward, H. G.
White, A.
Williams, W. A.
Winnington, Sir T. E.
Wood, C.
Wood, Colonel
Wood, Colonel T.
Wynn, rt. hon. C. W.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.
Tufnell, H.
Troubridge, Sir T.

The clause of the bill was agreed to and the House resumed.

COUNTY CONSTABULARY BILL.] House in Committee on the County Constabulary Bill,

Several amendments were made and proviso added.

On clause 24, disqualifying certain justices of Kent, Essex, Herts, and Surrey, from acting in the execution of the Constabulary Act, 2 and 3 Vic., c. 93.

Mr. Ludlow Bruges moved the omission of the clause.

Mr. *Fox Maule* opposed the amendment. He thought the clause was necessary to avoid giving magistrates residing without the district of the metropolitan police, undue privileges and influence, within that district.

Mr. *J. Jervis* agreed with the principle of the clause.

Sir *James Graham* begged to point out the invidious position in which those counties which were specified were placed. He thought that the provision should be made general.

Mr. *Fox Maule* said, that the object of the clause was this. Certain rate-payers in one part of a county might agree to adopt the county constabulary force for their own protection, and he thought that it would be unfair to permit the magistrates of another part of the county to come down, and, by their votes, to swamp the rate paying magistrates of the district, in the appointment of the officers under the system. He had introduced the clause for the purpose of protecting the magistracy in the rural parts of the country As, however, Members coming from those districts had objected to it, he was content to withdraw the clause. But if the rural magistracy found themselves swamped by the magistracy in the district of the Metropolitan Police Act, it would be their fault not his.

Clause expunged.

Other clauses agreed to.

House resumed, the report was received; bill to be reconsidered.

CLIMBING BOYS.] House in Committee on the Chimney Sweepers' Bill.

On clause 2 being proposed,

Mr. *Williams* wished to know what was to be done with old houses. He, for one, would not like to pull down his house.

Mr. *F. Maule* said, no doubt some inconvenience and expense would be the effect of the bill, but he thought that would be as nothing, compared with the humanity of the bill.

Sir *R. Inglis* believed that of old chimneys, not one in 2,000 but could be swept by machines.

Mr. *Goulburn* happened to be one of the unfortunate individuals who possessed the one chimney out of 2,000, but still he was not prepared to oppose the motion.

Mr. *Heathcote* said, he should be a sufferer by this bill, but he thought it so desirable the cruelties now practised should be abolished, that he felt it his duty to support it. They were in the habit of seeking for cruelties practised abroad, while it not unfrequently happened that cruelties as great were practised in their own houses. He begged to thank the hon. Gentleman for introducing this bill, and he thought, considering his numerous official occupations, the having done so was very much to his honour.

Lord *Ashley* said, he had no notion cruelties so barbarous could be perpetrated in any civilized country as had been recently brought under his notice as perpetrated in relation to the subject of this bill. It was a fact within his own personal knowledge, that at the present moment a child of 4½ years, another at 6, and others of a similar tender age, were employed in sweeping chimneys. The fact, also, that twenty-three climbing boys were now confined for various offences in Newgate, was sufficient to prove the bad moral effects of the system.

Clause agreed to.

On clause 5,

Mr. Handley moved, that the word "re-built" be left out.

Mr. *F. Maule* thought the bill would be very much deteriorated by the omission of the word.

The *Attorney-General* suggested, that the words "shall, if practicable, be" should be added after the words "re-built."

The Committee divided on the question, that the words proposed by the Attorney-general be added: Ayes 11; Noes 74: Majority 63.

List of the AYES.

Berkeley, hon. H.
Berkeley, hon. C.
Blake, W. J.
Campbell, Sir J.
Dundas, C. W. D.
Gordon, R.
Irton, S.
Marshall, W.
Seymour, Lord
Strutt, E.
Williams, W. A.

TELLERS.
Handley, H.
Elliot, hon. J. E.

List of the NOES.

Acland, Sir T. D.
Aglionby, H. A.
Alston, R.
Archbold, R.
Ashley, Lord
Baring, rt. hon. F. T.
Bernal, R.
Blackburne, I.
Bramston, T. W.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Buller, E.
Cavendish, hon. C.
Cavendish, hon. G. H.
Clerk, Sir G.
Darby, G.
Douglas, Sir C. E.
Estcourt, T.
Evans, W.
Ferguson, Sir R. A.
Gillon, W. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Hall, Sir B.
Hastie, A.
Heathcote, G. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Hodgson, R.
Hoskins, K.
Howard, hon. E. G. G.
Howick, Viscount
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Jones, J.
Langdale, hon. C.
Lemon, Sir C.
Lincoln, Earl of
Mackenzie, W. F.
Marsland, H.
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Neeld, J.
Palmer, George
Pechell Captain
Perceval, hon. G. J.
Pigot, D. R.
Plumptre, J. P.
Rundle, J.
Rushbrooke, Colonel
Scholefield, J.
Sibthorp, Colonel
Slaney, R. A.
Smith, J. A.
Steuart, R.
Strickland, Sir G.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Townley, R. G.
Tufnell, H.
Vere, Sir C. B.
Vigors, N. A.
Vivian, J. E.
Waddington, H. S.
Wood, Colonel
Wood, G. W.
Wood, B.
Wyse, T.

TELLERS.
Maule, hon. F.
Grey, Sir G.

Remaining clauses agreed to.

The House resumed; Report to be received.

HOUSE OF LORDS,

Friday, June 26, 1840.

MINUTES.] Bills. Read a first time:—Timber Ships; Clerkenwell Improvement.

Petitions presented. By Lord Brougham, from the Universal Religionists, for Enquiry into their Principle.

THE O'REILLYS' COMPROMISING A PROSECUTION.] The Marquess of *Westmeath*, in reference to a question which he had put last night to the noble Secretary for the Home Department, said that, in his mind, the refusing, by the Government, the payment of a sum of money from a Roman Catholic priest, in the case to which he had adverted, for the purpose of compromising a prosecution, was an illegal act. Nay, he would go so far as to say that it was an indictable offence. He therefore gave notice, that on Thursday, July 2, he would move for a return of the party or parties to whom the sum of 50*l.*, stated to have been paid by the Rev. Philip O'Reilley, parish priest of Ballymacue, in the county of Cavan was given, on account of the compromise of a prosecution; a return of the person or persons through whom the compromise was effected, and a copy of the receipt given for the money.

Viscount *Melbourne* said, the noble Marquess assumed that a compromise of a prosecution had taken place, which he had no authority for doing.

The Marquess of *Westmeath* stated that he proceeded on the admission of the noble Marquess (Normanby) himself. The noble Marquess had admitted that the informations were not returned to a court of justice, as they ought to have been; and he also stated that 50*l.* had been paid by the priest.

Notice given.

Drainage of Settled Estates.] The Duke of *Richmond* moved the second reading of the Settled Estates Drainage Bill. The measure, he observed, would do a great deal of good, by enabling persons to borrow money chargeable on the estate, and payable at considerably distant periods, for the purposes of draining. This would be beneficial to the person in possession, to the heirs, to the farmers, and to the labourers.

The Marquess of *Westmeath:* Was the measure meant for Ireland as well as this country? [The Duke of *Richmond:* Yes] He was glad of it. A great deal of the advantage which Ireland might derive from drainage was prevented by the want of means to sink the beds of rivers so as that a proper flow might be allowed to the estuaries.

Lord *Portman* would not oppose the second reading of the bill; but there were parts of its machinery to which he objected, and he did not think that it ought to pass in its present shape.

Lord *Ellenborough* suggested to the noble Duke, whether it would not be expedient to extend the provisions of the bill to corporations sole and corporations aggregate.

Lord *Ashburton* said, that by the provisions of this bill, it would not be competent to the Lord Chancellor to order a drainage to take place at the expense of the estate, unless it was shewn to him that such drainage would be attended with an improvement of seven per cent. to the proprietors. It was therefore, unnecessary that the clumsy machinery of this bill should be brought into operation, because this improvement of seven per cent. would afford a sufficient inducement to the life tenant to set him at once about draining the land.

Bill read a second time.

HOUSE OF COMMONS,

Friday, June 26, 1840.

Minutes.] Bills. Read a second time:—East India Mutiny.

Petitions presented. By Sir B. Hall, from Marylebone, against the Irish Registration Bill.

Weaver Churches.] Sir *C. Lemon* brought up the report of the Weaver Churches Bill.

On the motion that the amendments be read a second time,

Mr. *E. J. Stanley* moved that they be read a second time that day six months.

Mr. *J. Jervis* said it was quite certain that if the public had been aware of the object of the bill, or if the investigation before the committee had been publicly reported and circulated, great opposition would have been made to the measure. This was not a mere private bill; the principle involved in it was most important. The question was whether that which had for years contributed 1,500*l.* a-year to the county-rates of Chester, and relieved the rate-payer of that county to that amount, of whatever religion such rate-payers might be, should now be devoted to the erection of churches exclusively for the use of members of the Establishment. This was the first instance in which it had been attempted to endow churches out of the county-rates. Hon. Members on the other side might be anxious to adopt that principle to a man, and might perhaps engage others to assist them in this instance who would not like to have the same principle applied to their own counties which it was now sought to apply to the county of Chester. In the committee this had been treated entirely as a party question. The majority of that committee was composed of Conservative Members—to a man they had all advocated the building of these churches, and had on all occasions voted together; so that the purpose of that committee was not so much a discussion of the question as the carrying out of the will of the majority. Owing, however, to the accidental absence of two of these Members he had succeeded in introducing a clause which it was now sought to strike out, and hon. Members opposite relied on the earlier and more regular attendance of those Members who were desirous of building churches out of the county-rates to enable them to carry this into effect. He trusted that all those who objected to such a principle would vote in favour of the postponement.

Mr. *Wilbraham* opposed the amendments, and he did so because he did not think that money should be raised on a whole county for the purpose of giving additional church accommodation to a particular district. He looked upon such a principle as a dangerous one, and as interfering with the rights of property.

Mr. *Thornely* was not only opposed to the measure, but had a strong feeling against the whole system of taxation followed by the trustees; and he hoped the county would soon be released from it.

Mr. *Hume* asked, whether those Gentlemen who were favourable to the measure would support the principle that county-rates formed a proper fund for the building of churches? That was the real principle then at issue.

Mr. *Tatton Egerton* said, that the money in question could not be considered as a county-rate. The hon. Member for Kilkenny was therefore mistaken on that point.

Mr. *Warburton* said, that if this bill were carried into a law, every dock, railway, and other public company might be called upon to contribute to similar purposes out of its surplus income.

Viscount *Sandon* said, that the principle had already been admitted by the Legislature, in the case of a Mining Company, that where a large population was collected in one district, by means of such a company, the latter was bound to provide for the religious instruction of that population out of its surplus income.

Sir *C. Grey* hoped the Church of England would not continue to proceed upon the engrossing principle supported by the promoters of this bill. If so, the Church itself would be most seriously damaged.

Mr. *Ewart* objected to the measure, because it was injurious to the Church itself, and would set against it a large body of the community.

Mr. *Hobhouse* said, that the question in the present case was whether the funds intended for the Weaver Churches were to be devoted to an entirely different purpose. He would venture to say, if the present bill passed that the worst consequences would result; he, therefore, called upon the House to meet the bill with the most determined opposition. He recollected that a bill was introduced into the House for a purpose somewhat analogous to the present. The fund was left for the building of a bridge over the river Dee. That fund produced an enormous surplus; and it was not known in what manner the superfluous money should be applied. Under these circumstances the trustees came to Parliament, and applied for power to appropriate the funds to the establishment of schools, for the object of building the bridge over the river Dee was to promote civilization of the Highlands. That was a most excellent purpose, and strictly analogous to the intention of the original donor. But Parliament did not allow that bill to pass. The trusts were held so sacred, that it was thought they ought not to be violated, and although every one confessed the purpose was excellent, yet that bill was rejected upon the principle on which he hoped the House would reject the present bill. The rate-payers of Chester had a right to the whole of the surplus funds if there were any. They ought to be applied by the magistrates in quarter sessions to certain specified purposes, and to no other purpose whatever. He objected to the application of the fund for the purposes of church building. The fund ought to be devoted, in the first place, to the purposes of navigation; and in the second place, to the relief of the rate-payers of Chester. It was proved that there were eighteen churches along the line of the river, a distance of only twenty-three miles, and that the population was fluctuating, and contained a great many Dissenters. For the sake of the great principle, he trusted they would give their determined opposition to the bill in all its stages.

The House divided, on the original question: Ayes 227; Noes 157; Majority 70.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Ainsworth, P.
Alsager, Captain
Arbuthnott, hon. H.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.

Bailey, J., jun.
Baillie, Colonel
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, hon. F.
Baring, H. B.
Baring, hon. W. B.
Barrington, Viscount
Bateson, Sir R.
Bell, M.
Bethell, R.
Blackburne, I.
Blair, J.
Blennerhasset, A.
Boldero, H. G.
Bolling, W.
Botfield, B.
Brabazon, Lord
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Cartwright, W. R.
Castlereagh, Viscount
Chapman, A.
Chetwynd, Major
Cholmondeley, hon. H.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Codrington, C. W.
Cole, hon. A. H.
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Copeland, Mr. Ald.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Cripps, J.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. A.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Eastnor, Viscount
Edwards, Sir J.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Estcourt, T.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, hon. H.
Follett, Sir W.
Forrester, hon. G.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, Sir A. C.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Hamilton, C. J. B.
Harcourt, G. G.
Harcourt, G. S.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Hepburn, Sir T. B.
Herries, rt. hn. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Ingham, R.
Irton, S.
Irving, J.
Jackson, Mr. Serj.
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Jones, J.
Jones, Captain
Kemble, H.
Kerrison, Sir E.
Kelburne, Viscount
Knight, H. G.
Knightley, Sir C.
Lefroy, right hon. T.
Lemon Sir C.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, A. M.
Long, W.
Lowther, hon. Col.
Lowther, Viscount
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
Mahon, Viscount
Manners, Lord C. S.
Marsland, T.
Marton, G.
Maunsell, T. P.
Miller, W. H.
Milnes, R. M.
Mordaunt, Sir J.
Neeld, J.
Neeld, J.
Northland, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Patten, J. W.
Peel, rt. hon. Sir R.
Perceval, Colonel
Pigot, R.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Powell, Colonel
Powerscourt, Viscount
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rolleston, L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorpe, Col.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Stanley, E.
Stanley, Lord
Stewart, J.
Stuart, W. V.
Sturt, H. C.
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Tollemache, F. J.
Tomline, G.
Trench, Sir F.
Turner, E.
Vere, Sir C. B.
Vernon, G. H.
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Welby, G. E.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wood, Colonel
Young, J.
Young, Sir W.

TELLERS.

Egerton, W. T.
Inglis, Sir R. H.

List of the NOES.

Abercromby, hn. G. R.
Aglionby, H. A.
Alston R.
Archbold, R.
Baines, E.
Bannerman, A.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Berkeley, hon. C.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Busfeild, W.
Byng, rt. hon. G. S.
Callaghan, D.
Cave, R. O.
Chalmers, P.
Chapman, Sir M. L. C.
Chichester, J. P. B.
Clay, W.
Clements, Viscount
Clive, E. B.
Collier, J.
Collins, W.
Craig, W. G.
Dennistoun, J.
Divett, E.
Duff, J.
Duncan, Viscount
Duncombe, T.
Dundas, Sir R.
Dundas, C. W. D.
Easthope, J.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, right hon. E.

Ellice, E.
Ellis, W.
Erle, W.
Evans, G.
Evans, W.
Ewart, W.
Fielden, J.
Fenton, J.
Ferguson, Sir R.
Ferguson, R.
Finch, F.
Fitzroy, Lord C.
Goddard, A.
Grattan, J.
Grattan, H.
Greg, R. H.
Grey, rt. hon. Sir C,
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Hastie, A.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Hume, J.
Hutchins, E. J.
James, W.
Jervis, J.
Jervis, S.
Johnson, General
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lister, E. C.
Lushington, C.
Lushington, rt. hn. S.
M'Taggart, J.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Mildmay, P. St. J.
Muskett, G. A.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Ord, W.
Oswald, J.
Paget, F.
Parker, R. T.
Pattison, J.
Pendarves, E. W. W.
Philips, G. R.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Rawdon, Col. J. D.
Redington, T. N.
Rice, E. R.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rundle, J.
Rutherford, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Sheil, right hon. R. L.
Smith, J. A.
Somerville, Sir W. M.
Stanley, M.
Stanley, hon. W. O.
Steuart, R.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Williams, W.
Wilshere, W.
Wood, Sir M.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Wilbraham, G.

Amendment read a second time, and agreed to as far as clause 7 directing the expenses of forwarding and opposing the measure to be paid out of the trust fund.

Mr. *Cholmondeley* opposed the clause providing that the expenses incurred by the opposers of the bill should be paid by the promoters of it. If such a principle were to be established, he would ask whether the present was the case in which it was to be begun. It was for the House to consider whether it would entertain so extraordinary a proposition that in any case the expense of the opposers of the bill should be paid by the promoters of it. If the House agreed to this clause, which he could not conceive they would do, they would deliberately affirm a principle that had hitherto never been recognised, and so establish a precedent that had been hitherto utterly unthought of. He begged to move, that the House disagree with the amendment.

Mr. *J. Jervis* said, that as the amendment of which his hon. Friend complained had been introduced by himself, probably the House would accord to him its indulgence while he made a few observations. In the first place he thought he had some reason to complain of the course which the hon. Gentleman had adopted. It was not usual he believed to make such motion on bringing up the report. In private business, the course was to bring up clauses or to move amendments on the third reading of the bill, and it was the ordinary course in the House and out of the House, when one hon. Member intended to move an amendment, to give notice of it. No notice had been given of the motion that had just been made. That was a very good reason for his pressing on the hon. Member to adjourn the discussion till another evening. He would ask the House if they could be safely guided by the hon. Member, when he stated that the object of the amendment was to make the promoters of the bill pay the costs of the opposition to it, and that he had taken advantage of an accidental majority to introduce this amendment in Committee. If such were the object of the amendment, hon. Members would be perfectly right in voting against it. But such was not the case. The object of the amendment was this. Certain trustees of the River Weaver, amounting to about 105 of the landed gentlemen of Cheshire, who were utterly unconnected with the navigation of the Weaver and the salt-works, wished in fact to impose a tax of 20 per cent. on this navigation. Some of those gentlemen, constituting the majority, came to the House to get a bill enabling them to build and endow churches out of the tolls of the river Weaver, and introduced a clause that the expenses of passing the bill should be paid out of the surplus fund of the river

Weaver trust. Hon. Members opposite complained that they were wearied by the opposition to this bill, and he thought that the opponents of the bill had an equal right to complain of vexatious application to Parliament. Another portion of the trustees (the minority certainly, among whom was the chairman of the quarter sessions, and Lord Stanley of Alderley), were of opinion that the trust would be violated by any such misapplication of its funds, and presented two petitions against the bill, stating that they were bound on principle as trustees to protest against it, and that they had no right to consent to, neither had Parliament any right to authorize, such a violation of a public trust. Ten thousand rate-payers of Cheshire, who were likewise interested in this question, inasmuch as the rates derived 15,000*l.* a-year from their surplus revenues, had petitioned against it, considered it unfair to apply this trust fund to the erection of churches. Under these circumstances he thought it was but fair that the expenses of that opposition should be defrayed out of the surplus fund as well as the expenses of the promoters of the bill, and in this he had followed the uniform practice of the Court of Chancery who, when an application was made to it by trustees to carry out the purposes of any trust, and when certain other trustees of the same trust opposed the application *bonâ fide*, because they supposed the application to be an improper one, were uniformly remunerated their expenditure out of the funds which they sought to protect. This was, therefore, the proper opportunity of stating that it was not the intention to ask the promoters of the bill to pay the costs of the opponents; nothing of the sort was intended. The case was this:—A large fund was entrusted for certain purposes to certain trustees. Certain of these applied to Parliament for power, and violated the object of that trust. Certain of the other trustees were of opinion that the trust ought not to be violated; and therefore they came as they were bound to do, before the House. If a majority of them had voted to apply the money to some extraneous purpose, ought they not to have come there to protect the interest of the trust committed to them? If the bill were carried, a most vicious principle might be adopted; and on that ground it was consistent with the principle of a court of equity, with justice and morality, that it should be met with a fair *bonâ fide* opposition.

Lord *Stanley* said, that he was not a member of the committee which had sent in the bill, and he had taken no part in reference to it, except by having before voted in favour of the second reading, and being then favourable to the amendment introduced by the committee. If, however, any hon. Gentleman supposed that the slightest attempt had been made to take him by surprise in any way—although he believed that the regular notice had been given at the Private Bill Office, and though the Members of the committee had been duly informed on the subject—if any hon. Member could say that he was taken by surprise by the amendment, he should advise his hon. Friend near him—strong as he must be in the justice of his cause—to accede at once to the suggestion made by the hon. and learned Gentleman opposite, that the further consideration of the question should be adjourned till another day. He was not disinterested in the matter, as he was anxious that the House should immediately proceed to important public business. He would, therefore, propose to his hon. Friend that the question should be postponed.

Debate adjourned.

Registration of Voters (Ireland).]. Lord *Stanley* moved the Order of the Day for a Committee of the whole House on the Registration of Voters (Ireland) Bill.

Mr. *Slaney* felt it to be a deep sense of duty with him to offer a few observations to the House upon this very important subject. He had read the bill of the noble Lord, and also that of the Solicitor-general for Ireland, with great care, and he was sure it was impossible for any one who dispassionately looked into them, not to see that one was drawn up with a view to afford every facility to the claimant, while the other was framed to afford every facility to the objector. Now, if the intention of the noble Lord was to deal fairly with the subject, and he did not at all doubt the noble Lord's assurance that such was his disposition, why, he would ask, was there so great a difference between the two bills? What was the cause of the great difference if the framers of both bills had the same purpose in view? The ambiguity of the franchise constituted the great ground of difficulty. There were hon. Gentlemen on both sides of the House, who entertained the same opinion as to the difficulty of defining what the franchise really was. Both, however, differed in the interpretation of its meaning, one viewing it in one light, and another in a different light. Such being the case, was it practicable to form a good bill from the materials of the bill of the noble Lord, or of the Solicitor-general, without ascertaining what the franchise was? No doubt, in the Irish registration, many abuses existed; many unfair and unqualified claimants had sought and obtained the franchise; but many of these claimants had been led astray by the ambiguity of the meaning of the franchise. The assistant-barristers, the landlords, the tenants, the judges, each and all held different opinions with regard to it, and each arrived at different conclusions with respect to it. What, then, must be the condition of a poor and illiterate peasant, who was compelled to give to it that interpretation which his simple and unsophisticated mind suggested, especially when beset with the objectors and abettors of his electoral claim? He would appeal to the noble Lord, not in any hostile sense, and would ask him if it were possible to remedy these abuses in the Irish registration, without the definition recommended by the hon. Member for Mallow? The instruction recommended by that hon. Member was approved of by Gentlemen on both sides of the House. It was right that the qualification of the voter should be such as would carry with it the objects of the promoters of the Reform Bill. Of that measure the noble Lord was the advocate, and in the debates upon that measure in the House of Lords, it was then stated, that the Irish franchise should be a liberal one; while the effect of the noble Lord's bill would be to restrict it. His conviction was, that without the definition of the franchise, the two bills before the House would be perfectly impotent. The noble Lord was aware that the oath taken by voters had been altered at the time of the Reform Bill, and that it then varied from what it was at the time of the Emancipation Act. By these alterations and variations in the oath, he wished to show how difficult it was for an illiterate person to know the exact meaning of the oath. As to the interpretation of the qualification by the judges, these learned personages decided, that a person should say that his holding was worth 10*l.*, and that a solvent tenant would pay 10*l.* for it. In England, every one acquainted with agricultural subjects knew that the produce was equivalent to three rents—one for the landlord, one for the expense, and the third for the tenant; but upon the tenant in Ireland the judges put a different construction to what had been put upon the claimant of the franchise in England. He did not mean to say that the construction was so clear as to leave no doubt upon the subject; nor did he mean to impugn the motives of the noble Lord, or of hon. Members opposite, who gave a different construction to that which he affixed to it. Why did the bill of the noble Lord place such difficulties in the way of the claimant? So long as the franchise was undefined, the bill would, if successful, have the effect of restricting the franchise; and the noble Lord, and the Solicitor-general constructed their bills, both with reference to the ambiguity of the franchise, one with one view, and the other with a different one, but both coming to the same conclusion, that the words with regard to the franchise were unsatisfactory. Was it not, then, the duty of the House to frame a measure which would make the franchise clear and distinct? The rating in Ireland had progressed to a considerable extent, and should be made the basis of the franchise; and, if that were done, it would take away the objectionable clauses which pervaded both bills. With great humility, but with great sincerity, he would appeal to the noble Lord, and suggest to him the propriety of settling the franchise, which would remove the objectionable portions of his own bill. Hon. Members on his side of the House objected to the noble Lord's bill as too stringent. That was the gist of their objections. Again he would appeal to the prudence of the noble Lord, and ask him, whether, in the event of his bill passing in its present state, without any modifications, any doubt could exist, but that great excitement and irritation would take place in Ireland? Could there be any doubt but that, in such an event, a new and a powerful agitation would be the result? If the friends of the noble Lord were of opinion that in the next, or the subsequent Session, they would succeed to power what would be the first and greatest difficulty they would have to encounter? Their difficulty would be Ireland. Was it prudent then, for them who entertained such hopes to exasperate the Irish people? The course which prudence and policy would suggest to them was, to keep Ireland quiet and tranquil. In the remarks which he offered to the House, he did not refer so much to Ireland as he did to England. The poverty, misery, distress, and destitution which prevailed in the large towns of England were promoted by the constant influx of outcasts from Ireland, and in the event of that country being kept in a state of agitation instead of repose, was it not certain that that influx into England would be increased, and the inevitable consequence would be, that a general paralysis would occur to the efforts of our own people in the populous towns? He spoke for the people of England upon the present occasion, and he felt that one of the best means of improving the condition of this country was, by tranquillizing Ireland—and if ever there were a favourable conjuncture, the present was the time. The hon. and learned Member concluded by expressing a sincere hope that the franchise would be defined before fighting the matter to the last.

Mr. *O'Connell* said, that the hon. Member who had just sat down had stated, that he approached the question without any party bias. If to sustain the franchise of Ireland was a party question, he would acknowledge himself a party man, and he wished he could imitate the temper and tone of the hon. Member who had just spoken. He did not, however, mean to quarrel with the arrangements which had been made, or to press immediately upon the House the consideration of defining the franchise, either as to what it was, or what it should be. When he came down to the House, the impression on his mind was, to obtain from the House a declaration upon that subject; and if he did not press it, then it was owing to the rational and conciliatory observations made by the hon. Member for Shrewsbury, and the good sense which pervaded his views with regard to the definition of the franchise. It was in the hope that what had fallen from that hon. Member would sink into the minds of hon. Members on the opposite side of the House, that he did not press the definition of the franchise as an instruction to the committee. It amounted to a perfect absurdity, and contrary to common sense, to proceed with this bill in its present state. The House was called upon to form a registry, and to settle a mode of registration, without determining what was to be registered. They were called upon to decide upon the form, without determining to what that form should be applied. In his opinion, the House should begin with the beginning, and that was, to ascertain what was to be the Irish franchise. When that was settled, no difficulty could exist as to the fair mode of carrying the principle into effect. Was the House aware that there was a bill in the House for defining the franchise? The proper way, in his opinion, was to take up that bill, and to go through with it. There were but two or three clauses only in that bill which would provoke any discussion, and there was nothing which would occupy much of the time and attention of the House. When that bill was discussed, and the franchise fixed one way or the other, the mode of ascertaining the franchise would not consume much time in the arrangement. Was he to be told that that suggestion proceeded from him for the purpose merely of delaying the present bill? No doubt there was such a thing as a vexatious objection, but there also existed a vexatious perseverance, and was it not a vexatious perseverance on the part of the noble Lord, at present to proceed with a bill which the noble Lord did not intend to come into operation till the year 1841? If the bill for defining the franchise were proceeded with, and considered first, the noble Lord would have time afterwards to bring in his bill. The noble Lord had taken advantage of the former bills introduced by hon. Members on his (Mr. O'Connell's) side of the House, but the noble Lord omitted to state, that in these bills there existed a definition of the franchise; and, so far from any vexatious opposition being given to it, he, and those with whom he acted, were willing to consider them, provided the franchise was defined. If the object of the bill of the noble Lord was merely to prevent fraud, the course which he (Mr. O'Connell) recommended would be adopted. Hon. Gentlemen, on both sides of the House should recollect, that the Irish constituencies were not of that overwhelming nature which they would be, if fraud had been exerted. All the uncertainty that occurred in the registration arose from the ambiguity of the franchise. Hoping that these remarks would be considered by the House, and wishing not to lose the benefit of the good sense of the hon. Member for Shrewsbury, he would not press his motion for an instruction to the committee for a definition of the franchise, reserving for himself a future occasion, should the necessity arise.

House in Commitee.

On clause 3,

Viscount *Morpeth* said, that with respect to this clause, which opened the question of substituting annual registration for the system at present existing, it was his intention to object, and to endeavour to induce the Committee to continue the quarterly system at present established; and in the event of the noble Lord opposite succeeding in the clause, it was his intention to make other amendments.

Lord *Stanley* could not object to the noble Lord taking what course he thought proper, but he considered annual registration to be an important feature of his bill; and if the noble Lord succeeded in the quarterly registration, he would consider it so direct a condemnation of his own bill, that he would not give the noble Lord or the House any additional trouble. The principle of quarterly registration was so inconsistent with the terms of his bill that he should not be justified in persevering, and he was ready to meet the noble Lord upon the point at once.

Mr. *O'Connell* said, that he could not allow this clause to pass without making several amendments. The noble Lord must be aware that he would raise eight or ten questions upon the clause. He was ready to take up the debate upon the words "in any year."

Lord *Stanley* said, that he was there to defend his bill against all the objections which could be urged against it, and would give way when the objections were reasonable.

Mr. *O'Connell* said, that a change of residence vitiated the vote in Ireland, whereas in England permanency was not required, provided the value was retained. The bill of the noble Lord would exact from the claimant not only the previous residence of a year, but in many cases a person occupying premises would not be entitled to vote in fifteen, seventeen, eighteen, and twenty-three months from the time of his occupation. Whereas, by the existing law, the time at the utmost from which an occupying tenant could be excluded was twelve months.

Lord *Stanley* said, that his bill would give a greater advantage to the Irish voter than the English bill gave to the English voter, and a far greater advantage than the bill of the Solicitor-general for Ireland; for the English bill declared, that no one should register until he was twelve months in possession, whereas the bill which he introduced with regard to Irish registration did not exact a residence of twelve months to be placed upon the register. The words were—

> "Provided also that where any such lands, &c., which would so otherwise entitle the holder, &c., to be registered in any year, shall come to any person in any manner, or by any means whatsoever, within such period of twelve calendar months herein before required, but not less than six months next previous to the 20th of July, such person, if continuing to be so otherwise entitled on the said 20th day of July, and being in all other respects duly qualified, shall be entitled to be registered as a voter at the said next ensuing registry."

Now, why had he considered it necessary to insert this proviso? Because he did not wish to alter the registry; for, by the law as it stood now, a man had no right to vote in Ireland, any more than another had to be registered in England, until he should have been in possession twelve months. What he proposed was very different from the proposition of the hon. and learned Gentleman, who proposed to give the six months before the registry and the six months after the registry as the necessary title for a vote. Now, the effect of that would be that a man coming into possession in September would not be entitled to vote till seventeen months afterwards. According to his bill, the Irish voter would rather gain than lose when compared to the English voter; but the result, he thought, would be the reverse according to the bill of the hon. and learned Gentleman.

Mr. *O'Connell* observed, that the noble Lord seemed to think his bill conferred a greater favour on the Irish voter than that of the Solicitor-general, and that if a man came into possession of the property entitling him to the franchise in September or October, the hon. and learned Gentleman's bill would create a delay of more than a twelvemonth before he could vote. But this was impossible; for, by the Solicitor-general's bill, it was provided that there should be a registry every four months. The noble Lord said, he did not understand how twenty-three months could interpose under his bill between the tenant coming into possession and his right to exercise the franchise; but if he came in in March, he could not vote until the following October twelvemonths, and then, in case of any mistake arising at the registry, or any other obstacle, he might have his right to vote deferred another six months. He was surprised to hear the noble Lord say that tenants were in the habit of coming into possession in Ireland so late as October, when they would necessarily have to pay rent for a dead half year as it were. The fact was, that tenants almost universally in Ireland came into possession about the month of March. The noble Lord seemed disposed to give to Ireland all that was bad in the English Act.

The *Attorney-General* said, that the noble Lord seemed to imagine that, in England, in all county qualifications, whether freehold or leasehold, the right to vote was only given by an occupation of twelve months; whereas an occupancy of six months only was required by the Act. In England, any man having a freehold occupation for six months before the 20th of July was entitled to vote; and, in Ireland, any man having had a freehold qualification for eleven months three weeks and seven days would be prevented by the bill of the noble Lord. [Lord *Stanley*: No, no.] He held in his hand the Act of Parliament to bear out what he had said.

Lord *Stanley* admitted, and it was quite clear, that, in the case of only one annual registry being established, it might happen that a person coming into possession at a particular part of the year—immediately after the registry, for instance—would not be able to register so soon as in a case where there would be four registrations in the year. This was in the nature of things, and unavoidable if they were to have an annual registry.

Lord *J. Russell*: The noble Lord, at all events, seems to admit that there will be this inconvenience attending his bill, namely, that a tenant, having come into possession, would have fewer opportunities of being registered under his bill than under the Irish Reform Bill, or the bill of my hon. and learned Friend, the Solicitor-general. With respect to what the noble Lord says of the English system, if the noble Lord means that the whole of that system should be adopted in Ireland, I can understand it to be a fair proposition. But when he professedly proposes to cause delay in the registration of Irish voters, and tells us that that delay is the same to which we are subject in England, then I say that the noble Lord gives to Ireland nothing, but that which constitutes any hardship there is in the English measure. He gives to Ireland every disadvantage connected with the Irish system, and every English disadvantage into the bargain.

Sir *E. Sugden* did not at all understand that this bill took all that was bad in the English law and gave it to Ireland, because by the English law there must be a twelvemonth's possession, whereas this bill gave the title to vote after a six month's possession. He was not disputing the benefit of a quarterly court of registration, but at any rate a man must have been six months on the registry before he could vote, let him register, under the present system, whenever he would. By the bill of the noble Lord, an annual registration was to be adopted in Ireland, certainly at some cost; but by that bill, a voter would be entitled to exercise the franchise after having been twelve months in possession altogether. It enabled a man to register after six months, and to vote after a twelvemonth's possession.

Mr. *C. Wood* thought they were discussing a question not then immediately before the House, viz., the time of possession which should entitle a man to register his vote. The hon. Gentleman then read a clause in the English Act, showing that a freeholder in England was entitled to register after a six months' occupation from the 20th of July, and said that, considering that an Irish leaseholder was the same thing almost as an English freeholder, he thought the noble Lord's bill placed the former in a worst position than the latter.

Mr. *Shaw* observed, that every Irish voter, under the present system, must be six months in possession before the registry, and six months also after the registry, before he was entitled to vote, making in all twelve months; whereas the noble Lord's bill gave him the right to vote, after he should have been twelve months in possession, even if he should not have registered exactly as now required.

Sir *G. Grey* thought that much of this unnecessary discussion arose from the want of perspicuity in the mode in which this clause was drawn. He thought it would be much better that the noble Lord should insert "six" instead of "twelve" months for the present, in this clause, and take the discussion on the clause in that shape afterwards, when the other amendments respecting it should have been disposed of—(at least so we understood the hon. Baronet's proposition).

Lord *Stanley* said, that he would at once tell his hon. Friend what had been his object in drawing the clause in the manner he had done. He did desire, when the registry was made, that that registry, and that only, should be conclusive as to the right of the party to vote; and therefore it was that, instead of providing for a twelvemonth's previous possession, he proposed a six month's possession, and that the party should not be entitled to vote until six months after his name had been registered.

According to his proposition, the registry would itself show the precise period of the occupation in each case, and, consequently, the day upon which each party would be entitled to vote would appear on the face of the registry. The only effect of introducing the words "six months" instead of "twelve," would be to render the registry imperfect, on account of the difficulty of ascertaining the exact period of occupation.

Mr. *O'Connell* said, it was manifest that, instead of removing, the noble Lord was only increasing the difficulties; because, without a special registry, it was impossible that the noble Lord's intention could be carried into effect. No general rule could be laid down under the noble Lord's Bill, and the result would be, that at least half of the parties entitled to claim would be left in uncertainty as to the time when they could register. Their title to register, too, must be ascertained by establishing a preliminary fact which would tend to litigation, and this was enough for him to object to the proposition of the noble Lord. He would ask whether any one could, under this bill, vote unless he could show a twelvemonth's occupation? Yet the noble Lord talked of doing a favour, while, in point of fact, he was inflicting an injury on the Irish constituency, by taking away rights which they possessed under the existing law.

Lord *Clements* thought that a party in possession of a freehold qualification ought to be entitled to register and vote at any time. He could not see any object to be gained by prolonging the time.

Mr. *Lynch* said, it appeared to him strange that the noble Lord had not thought of placing the Irish freeholders on the same footing as the English. That was what the noble Lord should have done. He trusted that the amendment would be adopted by the Committee, and in that case he meant to propose, that the proviso should extend to leaseholders and householders as well as freeholders.

Lord *Stanley* said, as the law stood, a party could not be registered without showing a twelvemonth's previous occupation, but he found he was in error in not referring to the difference in the law between England and Ireland with regard to freehold rights. In England a six months' possession conferred the right, and in Ireland it did not; but he could only say, that if the House wished to place the law of both countries on the same footing, he should not object to it, provided the alteration was to be made contemporaneously with annual registrations—as in England. Supposing they consented to adopt the principle of annual registration, he for one was ready to concur in the general sense of the House, if such were the case, and allow the words "six months" instead of "twelve" to be inserted in the clause.

Mr. *Sheil* said, that as the law stood, occupation for twelve months before the registry was sufficient; but what did the noble Lord require? Why, he required a six months' occupation before the 20th of July. He seemed, however, to forget that the registry did not take place until September or October, and that if a party could not vote for six months after he was registered, he must in effect have a thirteen months' occupation. Suppose, for instance, a party came into possession of a qualification in January, he would be entitled to register in July; but not being able to register then, nor until September or October, and having to wait six months from thence before he could vote, it was clear that the time would be extended long beyond twelve months.

Sir *R. Peel*—The right hon. and learned Gentleman has taken a case, and he says, that if a voter be in possession of his qualification in January, he cannot vote under my noble Friend's bill, for six months after he has registered. Now, this is not the fact, because I am prepared to show that the voter under this bill will be entitled to vote precisely as he would under the existing law. The time of his occupation will appear on the registry, and consequently if he have been in possession nine months at the period he is registered, he will be entitled to vote in three months from that day.

Viscount *Morpeth* said, that although the right hon. Baronet seemed to give a triumphant answer to the objection of his right hon. and learned Friend, he had forgotten that if a party came into possession on the 21st of January, he would not be entitled to register on the 20th of July. Now, what would be the consequence of this law? Why, that he could not vote for seventeen months after that period.

Mr. *C. Buller* said, that although they had been favoured with six speeches, he thought it had been agreed that the words "six months" should be substituted for "twelve." If so, where was the good of so much discussion?

Amendment agreed to.

Viscount *Morpeth* said, he was now quite ready to raise the question with respect to annual or quarterly registrations, and he would move that the words "his registry" be inserted, instead of the words "the 20th of July," with which it was proposed to fill up the blank in the clause.

Lord *Stanley* thought the noble Lord had not treated him fairly by not having given him notice of the amendment which he intended to propose. The noble Lord ought to know that in carrying a bill of this kind, it was impossible at a moment to see the effect of an amendment: but he absolved the noble Lord from all blame, because it was now evident that he had not himself the least idea of the effect of his amendment. It was quite obvious to the House, from his consultation with the noble Lord the Secretary for the Colonies, and the hon. and learned Gentleman the Solicitor-general, that the noble Lord had not made up his mind to the last moment as to what he was going to propose. The object of the noble Lord, it was clear, was, not to amend the clause, but to mangle the bill, and he was only sorry, that the noble Lord was not now prepared to carry his intentions into effect.

Viscount *Morpeth:* The noble Lord has exhibited a happy specimen of the temper in which he proposes to carry on the discussions on this bill from the commencement, but I shall not attempt to retaliate. I shall remind the House, and not the noble Lord, that I stated, when we first came to consider the clause, that I thought it would be convenient to discuss the question of annual registration before we proceeded further, as I objected to the clause *in toto.* I did this to save the time of the House, and with a view to consult the general convenience; and I was only endeavouring to see if I could raise the question in the case of the clause when the noble Lord rose. What I said was, that if we could come to an understanding, I was ready to raise the question; and I shall now persevere, although it is my intention, when we dispose of the remainder of the clause, to move that it be struck out of the bill.

Mr. *Slaney* would support quarterly registrations, although he should like annual registrations if they were practicable. He feared the only effect which the noble Lord's bill could produce was that of throwing fresh difficulties in the way of rightful claimants. Why should the claimant to vote be sent before judges who would have had already, to a certain extent, made up their minds as to that construction of the law which most narrowed the franchise? Why should that be done, at the same time that he was deprived of the advantage which he before possessed of claiming his franchise four times a-year? He also thought that the noble Lord ought to define the franchise more clearly before he passed such provisions as that bill contained. They ought, in justice to the claimant, to take away all ambiguity from the franchise; it should be clearly defined, that a poor man who wished to establish his right could not misunderstand it.

Mr. *Ingham* said, that if there were any provision in the bill the effect of which would be to place an unfair restriction upon the man who honestly sought to establish his vote from a *bona fide* qualification, he was confident that the noble Lord would be one of the first to agree to the omission of that provision from the bill. If the hon. Member who spoke last had objections to other details of the bill, as it would appear he had, there would be opportunities afforded of suggesting alterations in the Committee, with a view to carry out any alterations in the details of the bill. If the hon. Member thought the appeal to the judge objectionable, it was open to him to suggest another tribunal. The hon. Member supported the clause.

Viscount *Howick* regretted that his noble Friend did not state more fully the ground of his amendment. Before he voted he trusted the House would permit him to make one or two observations with respect to his views of the subject. It appeared to him that the claimants to register ought to be afforded every possible facility for obtaining the right to vote which the law intended they should possess. But the greatest care ought to be taken that none but those who had a real and *bona fide* right to register should be placed on the list of voters. With respect to the objections, it was quite clear that if those objections were to be repeated four times a-year it would have the effect of placing a heavy burden upon the counties and parishes in Ireland where such lists would be made out under the provisions of the bill, and they would have just right to complain of that burden. In the bill of the hon. Solicitor-general for Ireland it was provided that when the revision took place it should only apply to cases which had arisen since the establishment of the right to vote on the part of the voter, so that it followed, the same revision could not take place under that bill after the name of the voter was originally placed on the list. It was quite evident, therefore, that before the name was placed on the list there ought to be a most strict and searching investigation, and that every opportunity ought to be afforded to ascertain the real value of the property from the possession of which the person sought to establish his claim, and to ascertain that the person so claiming to vote was the real *bona fide* possessor of the property; for when the claimant was not to be harassed by having that question repeatedly opened it was clear that the original investigation ought to be the more searching, and the proof required the more satisfactory. He repeated, that he did not see how it was possible to revise the list four times a-year without its being burthensome in its operation. With regard to the inconvenience arising to the claimant for the registry, as the clause now stood it was next to nothing, for the person so claiming could not by any possible circumstances be kept without his vote for a longer period than fifteen months.

Mr. *Pigot* wished to direct the attention of the House to the difference between his bill and the bill of the noble Lord, the Member for North Lancashire. The bill which he brought in proposed to leave the law with respect to registration as it stood at present. Abuses had been alleged to arise from the system of registry which at present prevailed in Ireland. Abuses were admitted to exist from that system which had been in operation in that country for upwards of one hundred years. It had occurred under that system that persons in some cases remained on the registry when they ought not so to be placed. His object was to remove those abuses, and that could be attained solely by revision, for there was no necessary connection between the admission of votes and the removal from the list of names which ought not to be there. The noble Lord's bill, however, went further, and, instead of revision, it provided a new system of registration. To that he (Mr. Pigot) objected, for there was no necessity for superadding one upon the other; and if he could show to the House a system which would leave the law as it was—which would leave that law to exist that the people of Ireland were used to, which was allowed to stand by the Reform Bill, and which would permit a remedy of the abuses that now existed—he thought it would afford strong reason to the House why it should not adopt the system proposed by the noble Lord. The law as it now existed was interwoven with the habits of the Irish people, and he always heard that it was wise to adapt legislation, as far as such was possible, not only to the institutions, but to the habits of the people for whom it was intended. What course had been pursued in Ireland with respect to the registry? In the last century a system of registration was adopted which was extremely defective. The freeholder appeared before the magistrates at quarter sessions, and having sworn an affidavit, was thereupon registered. In 1829 the right hon. Baronet introduced his bill. He found local courts existing which had been in use since 1796, and in them discovering every quality for the administration of justice, he trusted to them the care of the registry. In 1832 the noble Lord found that this jurisdiction had been tried successfully, he selected it again for this bill; and now, at the end of eight years, he asked hon. Members how and upon what ground he intended to deprive the people of Ireland of the benefit of that jurisdiction? And why he selected an annual system of registry, because he selected an annual system of revision? Was it not an advantage to have a court sitting frequently, and having always a staff of professional men, who usually attended, instead of bringing them specially to attend an annual court, at an expense which those who were acquainted with the English system could tell? The professional men usually attending the present courts were employed by the farmers in their civil business, and they were also engaged by the landlords to manage their ejectments and other civil affairs, so that they could attend perfectly well to the registration of the farmer, and of the landlord's tenants, and were a ready staff without any additional expense. Was not the House, then, called upon to say that nothing but the strongest, nay, almost an irresistible necessity should be proved before they would take away from the Irish a system with which they were well acquainted, and in which they ever found, at a cheap rate, professional men to defend the right? Upon what ground did the noble Lord intend to make this change? If there was any objection to a quarterly registration, could it not be remedied? But it was most important that if the good claimant came forward, and failed on a point of form, or from the accidental absence of a witness, he might come three months afterwards and obtain the franchise to which he was entitled. He proposed to leave the law precisely as it now stood; as to the publication of the name of the claimant, the notice to be given to the clerk of the peace, subject to the same responsibility as now existed, subject to the same stringent inquiry, obliging the party to produce his lease to prove his right, upon his own oath and by witnesses, he left all the stringent inquiries and investigation which at present existed, and which the noble Lord opposite had not been able to increase by his bill. What he proposed was, to adopt the simple course, not adopt change where it was quite unnecessary, and to stand by what existed till it absolutely required alteration. All he proposed was, to superadd one more jurisdiction to that which already existed. The assistant-barrister was not withdrawn by the noble Lord, neither did he propose to withdraw him; the system of giving a claim was not withdrawn by the noble Lord, nor did he withdraw it; the places of registry in the noble Lord's bill were the quarter sessions; they were the same in his bill; in short, the noble Lord proposed the same tribunal as he did, the same places, the same persons who were to claim, the same districts. Why, then, did the noble Lord wish to deprive parties of the frequent chance of establishing the franchise? At present, in some towns, sessions were held four times a year, in some twice, and in others once. Where a repetition of many applications was likely to occur, the sessions were held more frequently than in others where the requirement was less. The tribunals, therefore, were just accommodated to the wants of the people. Again, in some places and towns, the quarter-sessions were held near each other, so that assuming the sessions were held once in some places, and in others twice, the voter would have the advantage of six opportunities in the course of a year to acquire the franchise, and that advantage the noble Lord sought to take away. And what did he substitute? A tribunal, which was to sit at a very busy time, during the months of September and October, just when the peasantry were most engaged. If by any fatality there should be an absence of a witness, arising from his occupation, if the tenants should be independent enough to resist the importunities of their landlords, which might not at every session be continued, was it not harsh to remove that facility which enabled the party to indemnify himself for the fatalities of one period by the conveniences of another? When the House of Commons, therefore, was engaged in a discussion of the greatest importance to the people of Ireland, he appealed to them, and he asked them whether for every step that was taken, the strongest necessity ought not to be shown, and whether they would lightly abolish those institutions which accorded with the habits of the people?

Mr. Sergeant *Jackson* concurred with his learned Friend in the opinion that alterations ought not to be made without absolute necessity; he only wished that this rule had been more generally acted upon in later times. He thought it desirable also that all facilities should be given to the *bonâ fide* claimants; but it was incumbent on the House not to give facilities to placing upon the registry, and retaining there, fictitious votes. Did the law in Ireland at present afford sufficient powers against frivolous and bad claims? He contended that it did not. Only ten days were allowed to investigate the claim before it came to the assistant barrister; if they had ten times ten days they would not have sufficient time. If any one would examine the multitude of claims, they would see that the law must be altered, and he maintained that the alteration proposed by the noble Lord was what was right, and that there ought to be an annual registration. It was just and fair, and presented every facility for honest claimants, whilst it enabled all claims to be sifted and enquired into. He would give one example of the number of claims compared with the number registered. He would take a return of the number of claims made in the city of Dublin, during the last two years. In 1838 there were no fewer than 16,624 notices of claim served on the clerk of the peace. In 1839 there were no fewer than 21,429 notices of claim served upon the clerk of the peace, making the total number in two years of 38,053 claimants. How many parties did the House think were registered out of that number of claimants. As the law now stood there were only *bonâ fide* claimants to the number of 4,721. As the law now stood there was not even a parochial arrangement of names; and supposing a contingency, which was against probability, that an objector was enabled to find the party that had made the claim, the latter might go to one quarter sessions and find that he was there watched, he might not then press his claim, he might post to the next place for holding quarter sessions, and if he was there watched, he might once more put off the claim, and bring it on a subsequent quarter sessions, when no one might attend. If the vigilance of the party opposing the claim were at all relaxed, the party at once got upon the register. As the hon. Member for Mallow had said, he knew persons who had been opposed in one place post off forty miles, and get on the registry there. The registry in the city of Dublin occupied half the year to examine these unsubstantiated claims. That being the case he maintained that an annual revision and registry were necessary, not only for the purpose of taking the machinery proposed by the noble Lord, but as it was necessary for the peace and tranquillity of the country, and the saving of expense, that they should bring down the registration within a reasonable period of time. He had only one other point that he need mention. He denied that the law as to the beneficial interest was ambiguous or doubtful; it had been clearly decided by a majority of ten judges to two that the beneficial interest meant 10*l.* over and above what a solvent tenant could afford to pay for the premises. On the grounds that he had stated, he would vote against the amendment that had been proposed.

Mr. *O'Connell* did not mean to follow the learned Gentleman into his legal argument; he could dispose of it in a few words. The registry in Ireland was under the Reform Act. The value was to be taken under that act, and it must be admitted that the beneficial interest was the value. The judges had it was said, decided the point, but no appeal was given by the Reform Act to the judges. The judges of Ireland had met, they had excluded counsel, they might have consulted to satisfy themselves; but was he to be told that the rights of the people were to be bound by any private consultation of the judges held without argument and with counsel excluded? Every man had a right to be heard by himself or by his counsel; the people could not be affected without it. A right was never settled in this country without appeal; what appeal was there from this opinion in consultation. There was no appeal to the House of Lords. And this was the state of what they called a settled question, it being admitted that several assistant barristers decided the beneficial interest differently from the judges, deciding by the same test as those barristers. So much for the legal point. The learned Gentleman said, that there ought to be a longer notice to enable parties to dispute the claimant's right, that there ought to be a longer time to enable inquiry to be made into the right. It seemed that the learned Gentleman addressed himself to persons as if the case was the same as in England. Here a party was registered, unless objection was made to him. It was not so in Ireland. Here the claimant must prove his case upon every point; he must come to the table to swear to his qualification; he must bring forward his witnesses; he must produce his title deeds, or account for their non-production. So that in Ireland it was not necessary for a claimant to give more than an intimation that he meant to come up to register; by the law this notice must be generally twenty-one days; it could not be less than ten; and even if there was no objection to him, he must go into evidence on his claim; he must prove his entire case; the barrister could not register him unless the claimant proved his right. The opposite party, therefore, has nothing to do but to cross-examine the claimant's witnesses if there was a dispute about the right. The notice of claim must be inserted in the newspapers, the police had set up notice boards, and on them must it be exhibited, so that every one had fair notice that the claim was to be made, and the examination was full and ample. Then there was an immense number of notices; why, many notices were necessary. Every claimant must secure several notices to make himself safe in point of form; if he usually wrote his Christian name with initials, he must serve one notice, signed with the initials, and another with the Christian name at full length, and thus to save mere matters of form many notices were necessary. Still every claimant's surname and Christian name was put to every one of the notices posted up, and there was every facility for the discovery of the party. The hon. and learned Gentleman said, also, that half the year was consumed in the city of Dublin by the registry. Would not the difficulties of the registry and the time required be increased by the noble Lord's bill? There were to be added to the notices of claim the notices of persons to be struck off, so that one fourth would be added to the number of cases to be decided; and if they took the half-year that was now said to be taken up, and added one quarter that would be required by the new regulation, they would only have one-fourth part of the year in which they would have any peace. Did not this of itself show the impracticability of the noble Lord's bill? As to the present system, he would have asked the noble Lord, the Member for Northumberland, whether he would vote for depriving the Irish people of the frequent opportunities of registration they now enjoyed? They had now an opportunity of registering at every quarter sessions: it was given to them before the union, it was the law of Ireland at the time of the union; nay, they might then register at every adjournment of a quarter sessions, and at every adjournment of an adjournment, and at that time the magistrates had merely to swear the affidavit, to mark their initials, and hand it to the clerk of the peace; the magistrates' duties were merely mechanical. Up to 1829, that was the method of registration. By the Emancipation Act, they raised the franchise to 10*l.*, but the right of frequent registration was continued. The Reform Act maintained it. Would the noble Lord, the Member for Northumberland, take away this provision of the Reform Act? It was, he understood, the principle of the noble Lord to stand by the Reform Act—would he stand by it only where it inflicted an injury, and put it aside where it conferred a benefit? When the hon. Gentleman talked of the claimant going from one sessions to another, the complaint was, that he was obliged so to do; yet if he did it, he met the same judge, and the shifting of the place of examination did not shift the necessity of the proof. Wherever he was registered he was obliged to make an affidavit, which remained as a record, leaving him liable to an indictment for perjury if he forswore himself. At the quarter sessions all the law business of the middle classes and of the farmers, was transacted; there ejectments were tried, actions of debt were disposed of, and every species of trespass tried; they had their confidential attorney attending that session, the man who was best acquainted with the voter's title was present; would they take away from the claimant the advantage of employing so easily his own attorney? They required the production of the deeds; would they deprive the claimant of the benefit of his own confidential attorney, and compel the production of the deeds to allow the landlord's agent to find a blot or forfeiture? If the noble Lord's bill were carried, it would deprive the claimant of this advantage; he must specially carry an attorney to the annual registration; at the quarter session he had to pay nothing for the attendance. But the noble Lord wanted a public investigation. Would it not be at the sessions in which the fewest were registered that the fullest investigation could be had? Whereas if there was only one registry for the whole year, there would be more notices served, and more business to be gone through. If the assistant barrister had thirty or forty or fifty cases to determine, he could give full time to each case, but if he had three or four thousand, he must necessarily give less time to each. If the revision were left to one town, all those who were upon the list, must come into town on the first day, they must remain from that day. The most that had been registered in one day was forty claimants, the average was not above twenty; but, suppose they had forty registered, let them see what a number of days most parties must remain; if he turned his back for a moment, he might be called on, and lose his right, so that he must attend from the first moment of the session to the very last. And all this for what? Manifestly, to prevent the people from registering. But after all, the tenant would choose the session, when he was not in the power of the landlord—when he had paid the rent. There was no such thing as a regular rent-day in Ireland, but if the tenant did not pay his rent in proper time, the landlord would allow him time up to the time of the session, when in the event of his attempting to register, he would immediately pounce upon him. He believed, that few cases could be mentioned, where the fullest investigation did not take place before the assistant-barrister, but at every session there is a regular staff kept by those in the Conservative cause, and opposing every man who they were not sure would vote with them; and he believed that there was not the slightest reason to suppose that a better investigation could take place at any particular session. It was manifest that, by taking both revision and registration at the same session, the effect would be, to give to the wealthy the power of keeping their votes, and, having the advantage of a regular staff, and the first counsel in the country attending at every session, it would enable them to put to an enormous expense all those individuals who, being desirous of registering their votes, would appear at the session, but would be compelled to wait during the whole of the period occupied by the registration. They talked of extending the agitation which would be produced by party contests, but they would find that it was, infinitely worse to condense it to any particular time, for it might explode upon them all at once, and produce all the heat and anger of a contested election. Experience had shown the utter impossibility of working out the system of annual registration in England, with advantage, and he believed that it was infinitely better to stand by that which the Reform Bill had given, than to adopt any new system.

Mr. *Sheil* said, that there was one point which had been adverted to, not belonging exactly to this clause, by the hon. Member for Shrewsbury, but he might be permitted to say a word upon a point of fact. There was a difference of opinion upon this subject. Hon. Gentlemen said, that the opinion of the judges was conclusive. Two of them said it was not. He was informed at least, that two of the judges differed upon the point. Let them see what followed. If there was to be an appeal to the judge of assize, the judge going the circuit would be watched, and the decisions would depend upon the mere accident of the judge's opinion. The consequence would be, that great differences would be found to be created in the system of registration. The minority of the judges, it was said, held themselves to be bound by the opinion of the majority. It was not so. There was no Act of Parliament to compel them to hold themselves so bound, and the noble Lord did not venture to introduce into this bill a clause to produce that effect. There was no such clause, and he said, that two of the judges, at all events, did not agree in yielding to the opinion of the rest. Observe again. It was provided by this bill, that if a person was rejected at one session he might endeavour to register at the next. So that if Mr. Baron Pennefather rejected him at Cork in 1841, in 1842 the person rejected might try again before the assistant barrister, and being again rejected might secure his right before Mr. Baron Richards. Was not that monstrous? Hon. Gentlemen opposite were called upon to remove these evils, but they would not do it. With respect to the point raised with regard to the quarterly registration, it appeared to him, that there was one consideration which had not yet been suggested, but which deserved some attention. At present, if in the month of January an assistant-barrister rejected a claimant, in the month of March at the Spring assizes the question might be tried on appeal. According to the plan of the noble Lord, the registration was to take place on the 12th September, and the appeal was to be in March; six months, therefore, would elapse before the claim could be determined. Was there no difference, then, between these two plans? The quarterly registration would give an opportunity of appeal in two months—an annual registration would only allow it to be made after a lapse of six months. The relation of landlord and tenant was already bad enough, but it would be trifling in its evil effects compared with a case in which the relation of appellant and respondent during those six months was superadded to it. But supposing he applied to be registered on the 20th of July, 1842. The registry was to take place in September, and the appeal could not be tried until March, 1843. Supposing, then, there should be a dissolution of Parliament in the intermediate November, would he be entitled to vote? He would not, and notwithstanding a provision at the end of the bill with regard to the dissolution of Parliament, the same difficulty would arise. Then there was another point to which he would shortly refer. He thought that the bill of the noble Lord would, in its effects, give an undue advantage to the 50*l.* freeholder, and to the clergyman, and in this way:—

It was provided, that their cases should be unaffected by the bill. So they might swear their affidavits four times a year, while other voters could make their claim but once. He observed hon. Gentlemen opposite express their dissent. The registration was not complete, he knew, until the affidavits were lodged with the clerk of the peace; but the absolute recognition of the right to vote was made at the time of swearing the affidavit. In this respect, therefore, the quarterly registration was preferable to the annual registration, and he was sure, that those who had heard the hon. and learned Member for Dublin, must feel, that the annual excitement, which might last for five or six weeks in every county, was infinitely more pernicious than that system which now prevailed. There was nothing now at the quarter sessions at all like strong excitement, but the effect of this measure would be to produce constant struggles between the proprietors of the soil on the one hand, and the tenantry on the other.

Lord *Stanley* said, that as it seemed to be the general understanding of the House, which he was quite willing to agree to, that on the question of retaining the 20th of July in the clause should virtually depend the question of the annual or quarterly registration, he rose to say, without going further, that he should not feel he was dealing fairly with the Committee if he did not state, that on the decision of this question depended the possibility of his continuing the bill before the House. If the House should think, that the quarterly was better than the annual system of registration, then they would show, that they preferred the bill of the hon. and learned Gentleman, as regarded an enactment so incompatible with the principles of his, and with the machinery which he had provided for carrying out those principles, that he should not feel himself justified if he were further to waste the time of the House. The hon and learned Solicitor-general had gone through a history of what had been the state of Ireland, and the system of registration in use there from the beginning of the last century down to the present time. He (Lord Stanley) would not follow the hon. and learned Gentleman through that history, but when the hon. and learned Gentleman concluded by saying, that he had advised, that in the Reform Bill a quarterly registration should be retained in preference to an annual one, he begged to tell the hon. and learned Gentleman, who, not having had a seat in the House at the time in question, had spoken in ignorance of the facts of the case, for he was sure, that the hon. and learned Gentleman was incapable of misrepresentation, he begged to tell the hon. and learned Gentleman, that he had repeated, as he had thought *ad nauseam*, that he had again and again distinctly stated that his view, and that of the Government, on whose part and behalf he was then acting, had been, that as there was an existing system of registration in Ireland, and no existing system in England, it was unadvisable to stir and disturb the system in use in Ireland until they should have had experience of the working of the system which they had established in England. That was the understanding on which he had acted, and that it was known to be so at the time, no Gentleman, he thought, would be inclined to dispute who had been then a Member of the House. But the hon. and learned Member for Dublin, as he had allowed, was then favourable to annual instead of quarterly registration, and the hon. and learned Gentleman used to say, that the English system was the only common sense system, and his objection was, that that system was not given to Ireland. Then again the noble Lord had frequently proposed an annual system for Ireland, he had introduced a bill containing an annual system under the auspices of Mr. O'Loghlen in 1835, he had introduced a similar measure under the auspices of Mr. Perrin in 1836, he had introduced a third similar measure under the auspices of Mr. Woulfe in 1838, and when the noble Lord told him when it was that he had changed his opinion on this point, he would ask the noble when it was that those high legal authorities on whom the noble Lord was so much in the habit of relying had altered their minds also? For anything the House knew, those high legal authorities were still in favour of annual, and opposed to quarterly, registration. If there were any country in the world in which a small minority of the judges of the land did not hold themseves bound by the opinion of the majority, then he would say, there was there no certainty for the law. Let them frame their Acts of Parliament as they pleased, let them labour to make their bills indisputable, lawyers and others knew how difficult it was to avoid dispute, and if the practice of the judges differed in Ireland so far from the practice of the judges of England as for the minority to persevere in opinion against the majority, then they could not avoid contrary decisions and uncertainty of the law. The hon. and learned Gentleman said,

> "Look at the advantage of the quarterly over an annual registration. Suppose I come forward in July, 1842, and suppose I seek to register and be rejected in September, and I appeal against the decision, that appeal cannot come on till the month of March; whereas formerly persons applying to register in the January following, might have an appeal decided in March following."

Now, what was the object of appeal? Was it to increase the franchise? Let the hon. and learned Member turn to the 44th clause of the bill, and he would find it provided,

> "That any person whose name shall have been omitted from any register of voters in consequence of the decision of the assistant-barrister, who shall have revised and signed the lists from which such register shall have been formed, and who shall have appealed against such decision, which appeal shall be at the time of such election pending and undecided, may tender his vote at any election at which such register shall be in force, stating at the time the name or names of the candidate or candidates for whom he tenders such vote, and the returning officer or his deputy shall enter upon the poll-book every vote so tendered, distinguishing the same from the votes admitted and allowed at such election, but he shall not include the votes of such persons in casting up the number of votes as they appear upon the several poll books, for the purpose of making the return."

But supposing the person's vote having been tendered, though rejected by the revising barrister, by the 45th clause, upon a subsequent petition on the election, the candidate for whom he voted would have the advantage of that vote, provided that ultimately the judge should have decided in his favour. Now, that was the provision which he had made in this bill, and he asked the hon. Gentleman whether he could go further in defence of a vote which *primâ facie* they must admit to be bad, because the revising barrister had rejected it? The next point was with regard to the 50*l.* freeholders and the clergy, who the hon. Gentleman said would have a great advantage in being able four times a year to swear their affidavit before the judges of their right to vote.

Mr. *Sheil:* I stated that the 50*l.* freeholder and the clergy have the opportunity of swearing their affidavit four times a year before the judges, and that nothing then turns upon it but the form of the clerk of the peace registering the affidavits.

Lord *Stanley* was quite sure that the hon. Gentleman had mistaken the provisions of the bill. The 50*l.* freeholders and the clergy might come forward and tender their affidavit, and on having taken their affidavit, they were no longer to be questioned as the law stood at present. But how was the law as he proposed to alter it? True it was, that the 50*l.* freeholder might appear in the courts and tender his affidavit; but when he had done so, was he entitled to vote? No. Was he entitled to be placed on the register? No. But he was entitled, after having tendered that affidavit to the clerk of the peace, to be placed in the condition of any other claimant, and was liable as such to be objected to. Consequently, though they took their affidavit in January, they could not be placed on the registry till the subsequent revision sessions in September, and their having taken an affidavit gave them no further advantage over other registered voters at that time. Now with regard to the period of registration. They had not heard it objected to annual registration in England, at any time, that it did not take place frequently enough. The objections had been that it took place too frequently; that once a year was a great deal too much; that the country ought not to be kept in such a state of excitement once a year. The hon. Member for Wicklow said, "For God's sake, do give us some breathing time in Ireland." The hon Member for Wicklow objected to quarterly voting. He proposed to give them time; and he considered that it was a very material object that they should have a little "breathing time" between registration and registration, and that they should not go on in a perpetual course of serving notices and registering claims, and not be always struggling to get votes on, and to keep a few votes off, the registers. He asked English gentlemen how they would wish to have such a system as the Solicitor-general's for Ireland applied to England? Did hon. Gentlemen think the county quarter sessions the most fit place for doing the election business, and that the mixing up of the election business with the civil and criminal business of a county quarter sessions was an improvement? Did they consider it an improvement on the annual system of registration, that before the permanent chairman of the quarter sessions, the whole of the registration business of the county should be done before the civil and criminal business? The hon. and learned Member the Solicitor-general, and the Member for Dublin, had talked of mixing up the business of the sessions with the registration business. He had heard this talked of as a crying evil in Ireland. The election business as the law stood, must be done before the civil and criminal business. He had seen the other day, himself, in the town of Nenagh, in the county of Tipperary, 1,200 and odd notices of claimants, and they were to take precedence over all the civil and criminal business of the county quarter sessions. Plaintiffs, defendants, witnesses, counsel, attornies—all parties engaged in the civil and criminal business of the county, must be in attendance at these sessions, in utter ignorance how long this registration might take, and unable to proceed to the other business of the session till the registration business should terminate. This, for convenience of business, was a great disadvantage. But he asked if this system was very much improved when the hon. and learned Gentleman told them that there was a power given to assign districts in which the registration sessions should be held? And in whose power was that left? Not in the hands of the barrister, as in England, but in the hands of the Lord-lieutenant. He would ask English gentlemen how they would like to have it left to the Secretary of State to say at what place and at what time the registering sessions should be held, and that he should have it in his power to alter that time and that place from year to year? There was no period of the year fixed in which they were to be held. They might be held in January, March, June, or November. What was another provision that the hon. Gentleman made?

> "No person shall be objected to that has not been more than one year on the registry."

That was, a person admitted on a wrong or a fraudulent qualification, could not be removed at the next revising session. More than a year must have elapsed since his registration. Therefore by this clause of the Solicitor-general's bill, they secured, that if a person once got registered he could not be objected to till he had been registered more than a year. The Lord-lieutenant might make that as near two years as he thought fit, by fixing when the registering sessions should be held. He did not wish to detain the House upon these points, but surely it was of material importance, that if all these difficulties were to be thrown in the way of revision, they should at all events secure that their original registration should be conducted under the most solemn circumstances, and the best consideration that could be given to the case; and, moreover, they should provide that reasonable facilities should be given. He did not complain that reasonable facilities should be given to claimants, but they should be given to objectors also. They must give reasonable facilities to objectors as well as to claimants, particularly when they gave to the claimants the right at each successive registration of coming forward again and again, and on their registration excluded them from further objection. In what way did the Solicitor-general deal with objectors? He would ask if they believed that persons who had no personal object but the cause of justice to serve, would ever be induced to make objections to persons to be put on the registration under the difficulties to be thrown in their way? The voter had a personal interest to put himself on the register, the objector had no personal interest to keep him off. What was an objector to do? A person who intended to object, must swear an affidavit of his objections before the magistrate in petty sessions; he must then forward a duplicate of the affidavit so sworn to the clerk of the peace; he must then again at the quarter sessions argue his case before the assistant-barrister, in order to obtain permission to go home again and appear at the next quarter sessions, and he must then appear again, under various penalties, for not coming forward. Did any man believe that any one would go through all this labour? The bill of the hon. and learned Gentleman said this:—

> "No objector shall come forward; votes shall be put upon the register upon such examination as they shall obtain in the first instance, and, being so put on the register,

there they shall remain for the lives of the parties."

The hon. Gentleman said the assistant-barristers examined into the case; that was, they had the case proved before them so far as a *primâ facie* case could be proved in the absence of objections; but it was a very different thing to prove a case so, to proving one that was sifted by an opposing party. The voter by repeated notices of claim might thus weary out the objector and get put on the register, and then, once on the register, there he must remain. He agreed with the noble Lord the Member for Northumberland, that this lent great force to the argument, that they must watch carefully that objectors had a fair opportunity of examining the votes at thetime, and that fraudulent persons should not be able to get on the register. It was exceedingly convenient that the register should be conclusive of the right of persons to poll. The register was made out by the Solicitor-general's bill, and was ordered to be printed by the 1st of February in every year. He provided, that it should be made out by the 1st of November, immediately after the revising session, which was in his bill to take place in October, and till the next year this was the test of the person's right to vote. The hon. Gentleman's bill provided, that the revising sessions should be held at any period of the year the Lord-lieutenant should think fit—in January, March, July, or October, and that votes should be admitted on giving ten days' notice of the revising session. Now, what became of the printed register, which was printed on the 1st of February, and which was the register for the general information of the county? Was it a test of the right to vote? Not at all, for there came the registry in March, and those voters inserted then, and in July and October, were all to be examined, that objections might be raised, because those voters were not to be found on the registry printed in February, and parties might say, on having their right to vote tested by the printed registry of voters, "We are not in the printed registry, but have had our votes introduced afterwards." But, more than that, the hon. Gentleman provided that no person should be entitled to vote till he had been registered for a period of six months; therefore, for six months after it was printed the registry was null and void, and they must go back to the last registry to see whether a voter had been registered for six months. If he knew anything of the value of a register, it was that it should be final as to the right of persons to poll, and that it should be as complete as possible. In England two months' notice was given of revising the lists of voters; in Ireland they proposed to give ten days' notice without any classification whatever. He proposed in his bill to follow the English plan of notices and registry. Upon these grounds he trusted that the House would support him in maintaining his bill against the hon. Gentleman's opposite, and he would frankly tell them again that his intention of going on with this bill would depend on the Committee giving its support to the annual, instead of to the quarterly registration.

Viscount *Morpeth* said, the noble Lord had at last allowed the question to be raised as to his bill on the point of annual or quarterly registration. The noble Lord in the course of his observations had adverted to the principal provisions of the measure of his hon. and learned Friend; he thought, on a fair comparison of the measure of his hon. Friend with that of the noble Lord, that he should not be at a loss to make out good and substantial reasons for the preference of the measure of his hon. Friend. But he was content to deal with the measure absolutely before them, and should be happy on a future occasion, when the bill of his hon. Friend was in Committee, to go into it. In the course of the discussion on the bill of the noble Lord many harsh epithets had been used. He trusted the noble Lord opposite would believe, that no such language was intended to be applied by him to the noble Lord. He admitted at once that no harsh or ungracious epithets could fairly be applied to the clause now under discussion or to the principle which it involved—namely, that of annual registration. Because, as the noble Lord had reminded the Committee, and as he had expected to be reminded by the noble Lord, the Government, in bringing in bills on the subject now under consideration every year previous to the present year, when they had departed from that practice, had adopted the principle of annual registration, and consequently, so far, to supersede the practice of quarterly registration. The present Chief Baron Woulfe, when he, as Attorney-general for Ireland, introduced his bill on the subject of registration, had, however, expressly stated his preference to quarterly registration. The noble Lord had asked him whether he was authorised to announce any change in the opinion of Chief Baron Woulfe. Now, knowing the importance that had of late been attached in the House to the opinion of the judges, he would not take on himself to communicate their present impression without a distinct authority from them. But he had no reason to believe, that on a fair consideration of the case, those learned judges would not adopt the same views as those which they had avowed while they were the responsible advisers of the Government. He hoped still, that the same principles which guided them in their intercourse at that time with the Government, would continue to actuate them, and that they would still entertain the same sympathy for Irish feelings and interests. The Government, however, after a fair and mature consideration of the whole subject of registration—of the principle upon which it ought to rest—of the practice which hitherto had prevailed, of the mode in which it was carried on, and of the difficulties by which it was beset—after all this consideration it had seemed to the Government that while called upon to guard against any plain and distinct fault, yet in every case it was most desirable to make all registration as easy of access as possible, and not to put it out of the reach of any person who had a right to claim, and above all not to withdraw those facilities which the present system presented. And how, he begged to ask, did this view of the case bear upon the question, as between quarterly and annual registrations? It seemed to him, that all the inconveniences connected with quarterly registration to which allusion had been made by hon. Members on the opposite side of the House, would, supposing all of those inconveniences so pointed out to be founded on fact, be fully met by two very small provisions—the one as to the time during which the notices ought to be given, and the other circumscribing the district. This, he thought, would be a far less cumbrous mode of meeting the difficulty than the proposition of the noble Lord opposite to change the present system of a quarterly to an annual registration. He did not mean to follow his hon. and learned Friend, the Solicitor-general for Ireland, through all the details into which his hon. and learned Friend had gone, but he thought his hon. and learned Friend had proved, that for upwards of 100 years the practice of registering votes at Quarter Sessions had prevailed in Ireland. Up to the year 1829 his hon. and learned Friend had shown, that the office of registering voters was carried on by the magistrates at Quarter Sessions, and that, in 1829, the right hon. Baronet, the Member for Tamworth, when he introduced the Roman Catholic Emancipation Bill and the bill for the disfranchisement of the 40*s.* freeholders, invested the assistant barristers with the authority for registering voters previously discharged by the magistrates four times a year. The noble Lord opposite had correctly stated that a discretion had been reserved by the Legislature to alter the mode of registration in Ireland after an experience of the system of registration adopted for England. This had been so stated by Lord Althorp, the present Earl Spencer, who had introduced the bill. But the question for the Committee was, whether it was so enamoured of the mode of English registration—of the facilities which it gave to the admission of the legitimate franchise as now to be induced to give a corresponding advantage to Ireland? It had been proved to the Committee that there existed a prescriptive right for above a century in favour of quarterly registration, and it was for the Committee to decide whether it would retain the long established and settled usage of a quarterly registration, or adopt the innovation proposed by the noble Lord as an annual revision. The noble Lord had asked English Members whether they would not object to mix up the ordinary business of the quarter sessions with the business of registration. Let it, however, be remembered, that the minds of the people of Ireland had grown up with, and were accustomed to the system of quarterly registration. But if the noble Lord opposite objected to mix up the business of registration with the ordinary business of the quarter session, what did he say to the mixing it up with the business of the assizes. If the registration could disturb the ordinary business of the assistant barrister, how much more must it interfere with the more solemn duties of the judges of assize. On the ground, however, of prescriptive claim and long-established usage, he thought that balance leaned in favour of quarterly registration. It was obvious that a registration four times a-year gave the claimants for the elective franchise a much greater facility of obtaining their rights. It had been said, that the hon. Member for Bridport had himself complained of the frequency of the revision of the list of voters in this country, but he thought the observations of the hon. Member went to complain of the frequency of the investigation of the claims to the franchise, and not to the frequency of the opportunity to make those clauses. But he objected to the period of the year at which the noble Lord opposite proposed the annual registration should be made—namely, the months of September and October. This was precisely the season at which the persons of that class of life most affected by this bill would be occupied by other engagements. He repeated, that the period he had mentioned was extremely inconvenient. But what still remained? In England the personal attendance of the claimant at the registration court was not necessary, his admission to the registry was secured on the mere service of the notice of claim, whereas in Ireland, whether the claimant was or was not objected to, he must attend the court, produce his lease, or prove the value of his holding. But he (Lord Morpeth) looked upon the court of quarter sessions as peculiarly the court of the farmer, the yeoman, and the poor man. It was the court he was in the habit of attending as juror, prosecutor, witness, or as plaintiff in civil matters—it was, therefore, the court which of all others presented to him the facility of securing his right to the elective franchise. He, therefore, contended, that these quarterly sessions gave to the poor man those facilities of acquiring his right which the bill of the noble Lord would tend to take away and destroy, and expose him to great expense, inconvenience, and embarrassment. At the quarter sessions he would have the certainty of the attendance of competent professional persons to urge and defend his rights, whereas at the registration court all his rights would be thrown into the hands of rich associations formed to meet such cases. He maintained, that the period for registration ought to be changed, but he could not consent to change the authorities by whom the registration was to be made. It was not to the rich associations that the Legislature ought to have regard, but to the interests of those independent voters upon whom it had intended to confer the franchise. On the score of convenience annual registration ought to be avoided. He would not trouble the Committee with the details, but a return moved for and obtained by the hon. Member for Belfast, showed, that in one year in the city of Dublin alone there had been no less than 7,750 notices of claims, and what, he begged to ask, would have been the state of things if those claims, instead of coming on at one court, had not been disposed of at the quarter sessions? The right hon. and learned Member for Ripon (Sir E. Sugden), on a former occasion, and the noble Lord opposite to-night had asked for some time to be allowed to the people of Ireland for breathing and repose. He desired repose for them whose right to vote had been solemnly adjudicated upon. The effect of the present clause would be to put four or five months between the time of a man entering into possession of his property and the period of his attaining the right to vote in respect of that property. He objected to the clause, on the still larger grounds of the expense, the embarrassment, and the inconvenience to which the voter under it would be exposed, and he trusted the Committee would retain the quarterly registration, and resist that innovation upon the system the people of Ireland now enjoyed, which the clause proposed.

The Committee divided on the original question, that blank be filled with the words, 20th of July:—Ayes 275; Noes 271:—Majority 4.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Ainsworth, P.
Alford, Viscount
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, hon. F.
Baring, hon. W. B.
Basset, J.
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blackmore, R.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.

Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Cantalupe, Viscount
Cartwright, W. R.
Castlereagh, Viscount
Chapman, A.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Codrington, C. W.
Cole, hon. A. H.
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Cripps, J.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. A.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Estcourt, T.
Farnham, E. B.
Feilden, W.
Fellows, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forrester, hon. G.
Fox, S. L.
Gaskell, J. Milnes
Gladstone, W.
Glynne, Sir S. R.
Goddard, A.
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grant, Sir A. C.
Greene, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houston, G.
Howick, Lord
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kerrison, Sir E.
Kelburne, Viscount
Knight, H. G.
Knightly, Sir C.
Lascelles, hn. W. S.
Lefroy, rt. hon. T.
Lennox, Lord A.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hn. Colonel
Lowther, Viscount
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Viscount
Manners, Lord C. S.
Marsland, T.
Marton, G.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Mordaunt, Sir J.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Northland, Lord
O'Neill, hon. J. B. R.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Patten, J. W.
Peel, right hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Powell, Colonel
Powerscourt, Viscount
Praed, W. T.
Pringle, A.
Pusey, P.
Rea, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
St. Paul, H.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Sotheron, T. E.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stewart, J.
Sturt, H. C.
Sugden, rt. hon. Sir E.
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thomas, Colonel
Thornhill, G.
Tollemache, F. J.
Tomline, G.
Trench, Sir F.
Trevor, hon. G. R.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G.
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Welby, G. E.
Williams, R.
Williams, T. P.
Wodehouse, E.
Wood, Colonel
Wood, Colonel T.
Wynn, rt. hon. C. W.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Abercromby, hn. G. R.
Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Alston, R.
Andover, Viscount
Anson, hon. Colonel
Archbold, R.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, rt. hn. F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Berkeley, hon. H.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, J. W.

Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, Sir L.
Busfield, W.
Byng, G.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chalmers, P.
Chapman, Sir M.L.C.
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clayton, Sir W. R.
Clements, Lord
Clive, E. B.
Collier, J.
Collins, W.
Corbally, M. E.
Cowper, hon. W. F.
Craig, W. G.
Currie, R.
Dalmeny, Lord
Dashwood, G. H.
Denison, W. J.
Dennistoun, J.
D'Eyncourt, rt.hn. C.
Divett, E.
Duff, J.
Duke, Sir J.
Duncombe, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Easthope, J.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, Captain A.
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Etwall, R.
Euston, Earl of
Evans, G.
Evans, W.
Ewart, W.
Fenton, J.
Finch, F.
Fitzalan, Lord
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Gillon, W. D.
Grattan, H.
Grattan, J.
Greenaway, C.
Greg, R. H.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grote, G.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, hn. E. G. G.
Howard, F. J.
Howard, P. H.
Hume, J.
Hutchins, E. J.
Hutt, W
Hutton, R.
James, W.
Jervis, J.
Jervis, S.
Johnson, General
Labouchere, rt. hn.H.
Langdale, hon. C.
Lemon, Sir C.
Lennox, Lord G.
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, rt.hon. S.
Lynch, A. H.
Macauley, rt. hn.T.B.
Macnamara, Major
M'Taggart, J.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Martin, T. B.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. S. J.
Milton, Viscount
Molesworth, Sir W.
Morpeth, Viscount
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Noel, hon. C. G.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Paget, Lord A.
Paget, F.
Palmerston, Viscount
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philipps, Sir R.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Rawdon, Colonel J.D.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherford, rt. hon.A.
Salwey, Colonel
Sanford, E. A.
Scolefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelbourne, Earl of
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R.
Somers, J. P.
Somerville, Sir W. M.
Stanley, M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Sergeant
Tancred, H. W.
Tavistock, Marquess of
Thornley, T.
Townley, R. G.
Troubridge, Sir E. T.
Tuffnell, H.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, H.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Parker, J.

Several verbal amendments having been agreed to, the clause was ordered to stand part of the bill.

Mr. *O'Connell* moved, "that the Chairman report progress,"

Lord *Stanley* said, that although it was rather earlier than the House, when in

Committee was accustomed to adjourn, he would not after the division, proceed further with the bill that night.

Colonel *Sibthorp* observed, that as he perceived the noble Lord, the Secretary for the Colonies was anxiously expecting him to say something on the present occasion, he felt it his duty not to disappoint the noble Lord or the House. He would, however, be very brief. He wished simply to observe, that the noble Lord would be acting with more decency in the eyes of the country, if, after the repeated defeats which he had recently sustained in that House, and seeing how futile it was for him to attempt any longer to conduct the affairs of the country—that it would be much more decent for him at once to resign. If the noble Lord possessed not a political virtue, let him for once in his life assume it.

House resumed.— Chairman reported progress.—Committee to sit again.

HOUSE OF LORDS,

Monday, June 29, 1840.

MINUTES.] Bills. Read a first time:—Sugar Duties; Chimney Sweepers; Glass Duties.—Read a third time:—Colonial Passengers; Protestant Episcopal Church (Scotland).

Petitions presented. By the Marquess of Normanby, from various places, against the Irish Municipal Corporations Bill.—By Lord Lyndhurst, from Waterford, for Amendments in the Irish Municipal Bill.—By the Marquess of Downshire, from Belfast, against certain Clauses in the Irish Corporations Bill.

CHURCH OF SCOTLAND—NON-INTRUSION.] The Marquess of *Breadalbane*, in presenting several petitions in favour of non-intrusion, said, that the number of signatures attached to petitions in favour of non-intrusion amounted to 166,734, while those to petitions in favour of intrusion amounted only to 4,161: from this their Lordships might gather what was the general feeling in Scotland on the subject.

The Earl of *Aberdeen* said, that on this, as well as on several previous occasions, the noble Marquess had referred to the number of petitions and to the signatures which were affixed to them that had been presented in favour of what was called the principle of non-intrusion, and the noble Marquess had pointed to these petitions as a proof that the principle was universally adopted in Scotland. Now, he would endeavour to show the very fallacious testimony on which the noble Marquess founded his opinion. It appeared to him that amongst the great improvements in manufactures by which late years was distinguished, no manufacture was more improved than the manufacture of petitions. And a most signal example of the perfection to which that manufacture was carried was to be found in one of the petitions to which the noble Marquess had referred. That petition, which was from Edinburgh, and of which he had heard some account, was described as being most numerously and respectably signed. On this matter, one or two gentlemen had written to him, but he would not trouble their Lordships with much that they said. It would appear, that in consequence of the improvement of the times, petitions were now carried about by the ladies—the younger and handsomer, he supposed, the better. The writer of the letter to which he alluded stated, "that the petition was brought to his house by two ladies. The parties inquired, was his wife at home? They were told that she was not. They then sent the petition up to the nursery, accompanied with a message that all in the house belonging to the Established Church were to sign it. It was accordingly signed by one servant and two children, without their knowing more about what they signed than what they had learned from the message of the ladies. The elder of the children was twelve years of age, the other ten." He had received other letters of a similar character. He did not object to the petitions of the people being fairly and fully laid before their Lordships; but he confessed, that he thought the unsophisticated article was rather better than the manufactured article which he had described. As to the assumption, that all those who petitioned in favour of non-intrusion were, therefore, to be set down as favourable to the monstrous pretensions set up by the Assembly, it was no such thing. There were various shades of difference amongst the non-intrusionists.

The Marquess of *Breadalbane* said, that notwithstanding the statement of the noble Earl as to the manufacture of petitions, he could assure their Lordships there was one general feeling throughout Scotland in favour of non-intrusion; and the very announcement of the noble Earl that these petitions were to be found in nurseries, and that ladies were engaged in procuring signatures, showed that that feeling existed in the inmost recesses of every domestic establishment. In almost all petitions some legal remedy had been asked for, and yet the noble Earl took credit to himself that his bill made no alteration in the existing law.

MUNICIPAL CORPORATIONS (IRELAND.)] On the Order of the Day for going into Committee on the Municipal Corporations (Ireland) Bill, having been read,

The Marquess of *Londonderry* said, he rose to state his sentiments on this measure.

Lord *Lyndhurst*: Does the noble Marquess mean to oppose going into Committee on the bill?

The Marquess of *Londonderry* certainly did. After the unanswered and unanswerable speech which they had heard from counsel at the bar against this bill, he could not reconcile himself to consent to the further progress of the measure under any circumstances. He admitted the abilities, the zeal, the perspicacity, of his noble and learned Friend who intended to propose amendments in this bill; but, in his opinion, nothing which his noble and learned Friend could propose could so alter the bill as to justify their Lordships in passing it. When they found petitions pouring in from every part of Ireland against the measure, he trusted that their Lordships would not sanction it. What would be the effect of the bill? It would take power out of the hands of those who were properly intrusted with it, because they had always used it wisely, and would throw it into the hands of a party who were adverse to the British connexion. He had expected when the bill was brought forward to hear from the noble Viscount opposite some answer to the statements contained in those most able and eloquent speeches that were made at their Lordships' Bar against the measure. But what was the sort of argument that the noble Viscount urged on the House? All they heard from the noble Viscount was, that their Lordships had already passed two such bills for regulating, or rather for subverting, municipal corporations in Ireland, and therefore that they ought also to entertain the present measure. He could not consider that to be any proper ground for agreeing to this bill. The argument, if argument it could be called, amounted merely to this—that because they had in two sessions sent down to the Commons a similar bill, *ergo*, it was their duty to send down this. Before they passed such a measure, let them look to the effect which had been produced by measures that had already been enacted with reference to Ireland. Let them well consider the power which those measures had unfortunately thrown into the hands of one individual, who actually wished to overturn the connection between the two countries. That person had disseminated his proposals for a repeal of the union, and for the course which should be pursued afterwards through all the towns and cities of Ireland. His object evidently was, to place the Roman Catholics in full possession of the whole power of the country. When he saw such projects disseminated far and wide, he felt it to be his duty to raise his Irish voice against such proceedings, and to give the utmost opposition to every measure that was calculated in the smallest degree to foster them. Had the noble Viscount taken any measures for urging the Lord-lieutenant of Ireland to put the law in force against such proceedings as he had described, and which in his opinion were decidedly illegal? When the individual to whom he alluded told the people of Ireland that the Lord Chancellor of Ireland was formerly favourable to the Repeal of the Union, and that probably he held the same opinion still—when he declared, that unless he attained all that he demanded, he would, by every means that he could command, endeavour to effect a Repeal of the Union, it was time that an end should be put to such proceedings; and, above all, their Lordships ought to take care not to tolerate any measure that would throw additional power into such hands. On this point there was a passage so true and so strong in the speech delivered at their Lordships' Bar by a learned Gentleman (Mr. Butt) a short time since, that he begged leave to read it. The noble Marquess read an extract from the speech of Mr. Butt, in which the learned Gntleman, after alluding to the conspiracy which was proved before a Committee of their Lordships' House to exist in Ireland, emphatically called on their Lordships to say, "whether they would intrust the peace of the towns of Ireland to men who were notoriously connected with that conspiracy?" There were other parts of that speech, one particularly, that referred to taxation in Dublin, that were no less worthy of their Lordships' serious consideration. He knew that many of their Lordships regretted the Act of Emancipation after what had followed it; he had heard many of their Lordships declare, that if they could have foreseen to what extent the Catholics would attempt to domineer over the Protestants, they would not have been induced to assent to it. Partial amendments, such as those of his noble Friends near him, to exclude Dublin and Belfast from the operation of this measure, would never undo the mischief that would be done by passing this bill. He had never seen any measure whose effects would be so radically mischievous and fatal to the interests of Ireland, and particularly to the interests of the property of that country.

Lord *Lyndhurst* said, that from the complicated nature of this bill, he thought it would be convenient that he should pursue the course he had taken on former occasions, which was, to refer successively to the amendments, that it was his intention to move in Committee, and without the adoption of which he was persuaded their Lordships would never consent to pass this bill into law. He assured their Lordships that he should occupy as small a portion of their time as was consistent with the necessary statement of the facts to which he was about to refer. It was not his intention to say a single word with respect to the principle of this bill, with respect to the effect it was likely to produce in Ireland on the Protestant Church, and the general interests of the country, or with respect to the feeling which the bill had created in Ireland, and the growing distaste to the measure, according to his view, in this country. He should pass over all those topics, however fruitful they might be, because he did not think them suitable to the present occasion, and he should confine himself simply to the details of the clauses, and the amendments which it was his intention to propose. He must be allowed to say, that there were some circumstances connected with this bill which would strike their Lordships as a little singular. They had had a measure of this kind in 1836, another in 1837, a third in 1838, and a fourth in 1839. All those bills had come up from the other House of Parliament, drawn in the same form and upon the same model, so that it was easy for their Lordships to see the alterations which had been made in them, and the amendments which it might be necessary to introduce. In the present case a new plan had been followed, and the whole bill had been remodelled, with what object it was difficult to conceive, unless for the purpose of concealing some alterations, minute indeed in appearance, but which, if passed over without detection, would have been productive of consequences most mischievous to the interests of Ireland. Those alterations in the form of the bill had led to some very extraordinary blunders, one or two of which he should mention by way of sample. In the 68th clause, their Lordships would find, that the churchwardens were liable to be indicted for a misdemeanour if they did not perform the duties, or supposed duties, imposed on them by this bill. Now, he had looked through its clauses, and did not find a single duty imposed on those officers by any one clause. So much for the alterations which had been made in the frame and texture of the bill, and the consequences that would result from them. In the 46th clause he found that it was the duty of the town-clerks to copy and print certain lists made out by the churchwardens, and if they neglected to do so they were made subject to certain penalties. He had looked through every clause of the bill, and did not find that the churchwardens were bound to prepare any lists whatever, or that they had any authority to interfere in any manner with the subject. So much for the accuracy with which the bill had been framed. With regard to the amendments which it was his intention to propose, some of them were already familiar to their Lordships. The first he meant to propose related to the right of freemen voting for Members of Parliament. This bill professedly did not interfere with that right; it would remain precisely where it now stood. He should therefore direct their Lordships' attention to this subject; and first, he should say a few words as to the history of the clause. In 1838 the clause was amended by their Lordships, and went down to the other House of Parliament. The amendment was discussed there, its adoption was opposed, and a long speech was made by a noble Lord who led the Government party in that House. Notwithstanding all the arguments used by that noble Lord against the amendment, it was afterwards assented to by him; so that in 1838, after a discussion and division in their Lordships' House, and a discussion without a division in the other House, both Houses of Parliament came to an agreement with respect to this clause. It was natural to suppose that under such circumstances, in the following year, the clause so agreed to by both Houses would have kept its place in the bill when it came before their Lordships. No such thing; the clause was abandoned. The subject was again discussed before their Lordships at great length, and with great ability, by his noble and learned Friend on the woolsack, and the amendment was adopted by a very large majority. It was his intention then to move, by way of amendment, that the clause agreed to in 1838 be restored to the bill. That was the effect of the amendment he meant to propose with respect to the freemen's clause. The noble Viscount on a former night, feeling himself pressed by the agreement of both Houses on this point, told their Lordships that the clause was not understood in the other House, not even by the noble Lord to whom he had referred. That was certainly a singular compliment to pay to the noble Lord, supported as he was by Irish law officers, English law officers, and all those persons who formed the "following," he would not use a more offensive word, of the individual who had taken such an active part in the discussion of the measure. But the noble Viscount's supposition was not correct. If the noble Viscount would have the goodness to refer to the speech of the noble Lord, who entered into every part of the discussion relating to the clause, he would find, that it was perfectly understood. Therefore the observation which the noble Viscount had made, for the purpose of impairing the force of the assent which the noble Lord had given to the amendment, was not well founded. But the noble Viscount said, that the clause was not understood, not only by Members of the House, but by those of their Lordships who had proposed the amendment. The noble Viscount insinuated that it had been suggested by some one behind the curtain, and that their Lordships were carrying into effect designs and projects of which they did not perceive the full extent. He could assure the noble Viscount that there was as little foundation for this statement as for the other, for he knew of his own knowledge that the clause was amended by a lawyer of great eminence, not a Member of either House of Parliament, and unconnected with any political party, in order to secure to the freemen the rights of voting which they now enjoyed, and which they would continue to enjoy if this bill did not pass into a law. He would now say a word with respect to the clause as it at present stood, for the purpose of showing the necessity of the amendment he should propose. All parties admitted the principle that this bill should not in the slightest degree affect the right of voting for Members of Parliament. It provided, however, that any person who had obtained his freedom after the 31st of March, 1831, should have no right to transmit it by birth or marriage to another individual. That was a direct infraction of the Parliamentary Reform Bill. If this were not agreed to, those individuals would have the right of transmitting the right of voting and of their freedom to other persons by birth or marriage. But there was an exception to this regulation. Every person who should have obtained his freedom after the 31st of March, 1831, by servitude, was allowed to transmit the right to other individuals. What was the reason of this modification? Their Lordships would see at once the spirit in which this clause was drawn. Transmission by birth or marriage would give the freedom generally to Protestants, but by servitude a lower class of freemen was introduced, the greater portion of whom would be Catholics. Therefore the exception was made in favour of Catholics, while the exclusion was rendered absolute when the freedom was transmitted by birth or marriage. He would ask their Lordships whether, if the constituencies were to remain as they were, it did not become absolutely necessary that this clause should be amended. There was a large class of freemen of different guilds of Dublin (it was remarkable that this bill was drawn more with reference to Dublin than any other part of Ireland) who by birth, marriage, or servitude, had an inchoate right to be freemen of that corporation. It happened now and then, to be sure, that the parties who had the right of judging whether or not they should be admitted excluded them, but that was a most rare occurrence; their admission was regarded as a matter of course, and upon their admission they became entitled to vote at elections for Members of Parliament. All those classes of persons were absolutely excluded by this bill, and the object of his amendments would be, to restore them to their rights. So much for this part of the case. The next clause to which he should call their Lordships' attention was the 22nd, which was usually called the boundary clause. Their Lordships were aware that in counties of cities and towns, there was, besides the city or town, a large rural district, forming a part of the county of the city or town. In the county of the city of Cork the rural district contained seventy square miles, while the town itself had only four square miles. The boundaries fixed by the bill of last year excluded the whole, or nearly the whole, of the rural districts from the towns, in order to obviate what was clearly a grievance of some magnitude, that those districts should be taxed for town purposes, in which they had no interest. It was provided by the bill of last year that those districts should, for the purpose of grand jury presentments, be annexed to the counties at large. That was done upon a principle of justice, their Lordships assented to it, and upon that point both Houses agreed. In the present bill the whole of that arrangement was reversed. The amendment was entirely got rid of, and the rural districts, instead of being annexed to the adjoining counties, were annexed to the towns for the purpose of grand jury presentment, so that the evil so much complained of would be restored by the alterations made in this clause. On what principle, he would ask, should their Lordships reverse the arrangement which had been made by the former bill? The present enactment would be directly at variance with the recommendation of the boundary commissioners. He would read to their Lordships an extract from the report of those commissioners, and then their Lordships would see if great injustice would not be done by the course which was now proposed:—

> "The result of this system," said the commissioners, "is, that the poor agriculturists are taxed enormously to supply things which they never enjoy; the rich citizens are taxed lightly to supply things that they always enjoy; the poor countryman pays more than six times the rate of the tax paid by the rich citizen on a fair relative comparison, to support city taxes, city corporations, and general city establishments."

That was the report of the commissioners appointed by Government, and upon that report, and for the purpose of obviating this grievance, the clause was drawn and prepared last year in the manner he had stated. Although the Government in the House of Commons admitted the injustice and impropriety of their boundary clauses, yet in this Session of Parliament they had inserted a clause to reverse the proceeding to which they had formerly agreed, and to restore the bill to the form in which it had come up to their Lordships last Session. This was a most singular proceeding. Their Lordships might be desirous of getting rid of this injustice, but they had no power of doing so, because the House of Commons thought proper to insert in the bill clauses which their Lordships could not alter. What course was he then to pursue? If he attempted to amend the clause, he should be told, that he was interfering with the privileges of the House of Commons. He would not knowingly and advisedly recommend an amendment contrary to the privileges of that House, and therefore he would leave the clause as it at present stood, open to the injustice he had stated, and he would then appeal to Ministers to provide a remedy. If they would not do so, it would be for their Lordships to say whether, with a grievance of such magnitude perpetuated by this bill, which they had no right to alter, they would pass this bill. He would not amend this clause, because any Member of the other House might at once say to the Speaker, "Is this not an infringement of our privileges?" The answer would be in the affirmative, and the amendments would be rejected, not on their merits, but on a point of form, as was the course pursued last Session. The next point was that of the qualification, which their Lordships had always insisted should be fixed at 10*l.* Much embarrassment had been created on former occasions by the question, in what manner this value should be ascertained. The other House had adopted the criterion selected by their Lordships for that purpose, as far as the boroughs in schedule A were concerned, but they proposed to reduce the qualification in the boroughs in schedule B to 8*l.* He was sure their Lordships would not assent to this reduction. There was no variety in the qualification either in England or Scotland, and the 10*l.* franchise corresponded exactly to that of the

Scottish Municipal Bill. If the qualification were to vary according to the population of the towns, he should insist, that instead of one of 10*l.* in the city of Dublin, there should be one of 15*l.* or 20*l.* The whole question, which was a very important one, would be opened by the change which he had mentioned. That was not the only alteration; this qualification was to exist for three years, and at the end of that time to be entirely changed. The qualification at the end of that time was no longer to depend on value, but upon the payment of rates and taxes within a certain period. When the time arrived their Lordships would be able to see what the right of qualification then was. But he was certain, that their Lordships would never assume that the state of things three years hence in Ireland would be such as any individual might think fit to anticipate at present. He therefore intended to propose as an amendment, that in all boroughs included in schedule A, and also in all boroughs included in schedule B, the qualification should amount to 10*l.*, in other words, he intended to propose, that the qualification should correspond to the qualification in the Scotch Municipal Reform Bill. The next point, and it was a material one, to which he wished to call the attention of their Lordships, was the appointment of sheriffs. In the year 1836, when the bill was introduced into the other House of Parliament, the appointment of sheriffs was vested in the Crown out of certain parties elected by the town-council. But in the discussion which took place upon it in that House, it was suggested, that these offices were connected with the administration of justice in Ireland, and it was then conceded, that the appointments to them should be vested absolutely in the Lord-lieutenant. The bill, so amended, was sent up to their Lordships. Now, by the present bill it was provided, that the Lord-lieutenant should not have the absolute appointment of the sheriffs, but that the town-council should nominate three persons, that out of the three persons so nominated the Lord-lieutenant should appoint one, that if he were of opinion that none of the three were fit persons to be appointed, the town-council should nominate other three persons, and that in case he did not approve of any one of the three then nominated, then, and then only, he should have the absolute appointment of the sheriffs. Any person who knew how this clause would operate practically, must see that it vested the appointment of the sheriffs in the town-council. These corporation jurisdictions were counties, they were counties of cities it was true, but in point of law they were the same as counties at large. He intended to propose, that the appointment of sheriffs in these towns should be placed on the same footing as the appointment of sheriffs in counties at large. He was sure, that their Lordships would see the propriety of this amendment, and that they would in consequence accede to it. It was acceded to by their Lordships last Session after a division, and it was also acceded to in the Session of 1838 by a majority of voices. The noble Viscount in the Session of 1836 had expressed himself in strong terms as to the propriety of these appointments being vested in the Lord-lieutenant, and he therefore trusted that the noble Viscount, armed with his own authority upon the subject, would not hesitate to declare his acquiescence once more in this amendment. He should not detain their Lordships many minutes longer, but there was an amendment, which, in a former Session, had been proposed by a noble Duke, and which he still conceived to be of vast importance—he meant the amendment by which the auditors of public accounts were vested with authority to investigate into the accounts of these corporations. They had to deal with large sums of money. The corporation of Dublin had an annual revenue of 30,000*l.* or 40,000*l.*, and by this bill it would be enabled to raise by a rate as much more. It was, therefore, important that there should be an audit appointed to prevent the existence of any abuse in the management of such large funds. When the noble Duke moved the clauses which were necessary to carry this amendment into effect, they were assented to by their Lordships; and also, when they went down to the other House, by the House of Commons. He did suppose, that, as a matter of course, he should have found the same clauses introduced into this bill. For some unknown, or at least for some unexplained, cause, they were now omitted. He understood, that Government had said something in the other House of Parliament about the propriety of introducing them; but the bill had nevertheless been read a third time without any proposition having been made to introduce them. He was sure that their Lordships would see the propriety of restoring these clauses to the bill. In the course of last Session, a noble Friend of his, not then in his place, had presented a petition from the town of Galway, signed by every rate-payer and respectable inhabitant in that town, praying that it might be taken out of Schedule A, and inserted in Schedule B. His noble Friend rested his claim for that exception, not only on the numbers and respectability of those who had signed the petition, but also upon the facts of the case. The petitioners averred that they had a private Act of Parliament under which everything that could be done under a corporation was now done without one. They, therefore, protested against being placed under a corporation, and against being exposed to a system of agitation which had not hitherto been introduced into their town. Their statement made an impression upon the noble Lords opposite, and his noble Friend was, in consequence, allowed to introduce his clause. He believed, that he was not quite correct in his last position—the clause was rather carried upon a division. The bill went down to the House of Commons containing this amendment. This exception, then, having been once adopted by their Lordships, he felt himself entitled, on the request of his noble Friend, to introduce it again; and he trusted that their Lordships would re-insert this clause, or rather the several clauses, which were necessary to carry it into effect without difficulty. These were the principal amendments which he intended to propose. He considered them to be of great importance. The other amendments which he had to propose were mere matters of detail, which could not be made clear without their Lordships having the clauses before them. The amendments, however, which he had already explained, contained principles so important to the bill itself, that unless their Lordships adopted them, he could not submit to allow this bill to be read a third time. His Lordship concluded by moving, that their Lordships now resolve themselves into a Committee on the bill.

The *Lord Chancellor* said, he could not help thinking that the amendments which his noble and learned Friend proposed making, would have been much better discussed when they came to the clauses themselves in Committee, than by a preliminary debate before going into Committee; but, at the same time, there were one or two remarks made by his noble and learned Friend in the course of his speech which he could not allow to pass unnoticed. With regard to the first clause upon which his noble and learned Friend proposed to make an amendment—namely, the freemen's clause—he was very glad to observe, from what had fallen from his noble and learned Friend, that the House would be saved a good deal of trouble on this point. On a former occasion, he had explained to their Lordships what he considered would be the effect of this clause, as it was then amended; and if he remembered rightly, a noble Earl, who sat on the Opposition side of the House, expressed his doubts whether he had correctly described it, but said, that if he thought he had correctly described it, he should be very much inclined to vote against such an amendment. Now, it happened that his noble and learned Friend had, this evening, entirely admitted what he had, on that occasion, said on this subject. He maintained that the effect and object of the proposed amendment would be, not to retain the Parliamentary franchise as settled by the Reform Act, but to alter it very materially, giving rights which never existed under it. He was prepared to examine the clause by the test of maintaining the Parliamentary franchise unaltered, and he had no doubt, upon that ground, of being able to prove to their Lordships, that they ought not to agree to this amendment. This bill, as it came from the Commons, provided for all these interests. The object of the bill was to place the freemen in the same situation that they were before in as to the Parliamentary franchise. It was, therefore, that the only right recognizable by this bill was that which could be enforced by law. The right should be one that could be enforced by *mandamus*. But, in the Dublin case, it had been decided that the men claiming the freedom of the corporation had no such right. It had been so decided in 1826. The object, however, in the noble and learned Lord's amendment on this clause, was to introduce a right, a legal right, which has never before existed under the pretence of preserving the Parliamentary franchise. There was another part of this case on which the observations of his noble and learned Friend had greatly surprised him. He meant the observations of his noble and learned Friend with regard to the liberties, or precincts, of the counties of cities, or towns. His noble and learned Friend had seemed to say, that there was something improper in the course adopted upon the present occasion, as if there was here something which their Lordships could not alter. Now, his noble and learned Friend had not informed them of that, which it was his duty to inform them, and the accuracy of which their Lordships could ascertain in one minute. This part of the bill, as it now came up from the House of Commons, was precisely the same as that which their Lordships had assented to in 1838. In a question of this kind, when there was great difficulty in bringing the two houses to coincide in opinion upon the same point, he thought that where there was that agreement of opinion discovered, it at least was a part of the case on which it was not necessary to raise a discussion. When the proposition was made as to the towns in which corporations should be established, it happened that no notice was taken of those districts which were attached to the town. Their Lordships thought that was objectionable, and they therefore limited the corporations to certain bounds prescribed in the bill; but they did not interfere with those portions which belonged to the cities and towns. Thus in the bill of 1838 they left the corporations within the narrow limits of the towns; but the counties remained as they were before. There was the county cess and the grand jury cess, unaffected by the municipal corporations, so that the provisions of the bill referred to by his noble Friend did not deal with the same fund. The corporations had only to deal with the corporation funds, while the grand jury provided for all the expenses necessary for the counties. Their Lordships had so amended the bill of 1838, and what was then done was precisely what was done by his bill. The Commons had assented to that amendment in 1838, and if there were not other difficulties in the case, Ireland would since then have had the benefit of corporations, with this very provision embodied in the bill, that gave them to that country. In 1839 the House of Commons sent up to their Lordships another scheme. There was an obvious inconvenience in this respect, which the House of Commons was desirous of rectifying. They proposed to take the county districts from the towns and convey them to the neighbouring barony, or half barony, and throw them into the county at large. This left the towns within the municipal boundaries, as prescribed in the act. It took the county jurisdiction over them from the county grand juries, and transferred it to the town council. When that bill came up to their Lordships they adopted that part of it by which the districts adjoining to the boroughs were thrown into the county at large, and they at the same time took away the protection from the towns, which it was proposed they should have. That was a proposition which the House of Commons was not likely to agree to, because it was unjust in the highest degree. It was a-half measure, taking away one thing without giving another. It was taking from the towns that which was the only compensation that they would have. In consequence of what had passed last session, it was thought necessary to divide the bill into two. If both bills passed, that would be accomplished which was proposed by the bill of 1839. Their Lordships had thrown out one of the bills, and of that bill he would say nothing, except in so far as it affected the present bill. Their Lordships, then, had here a bill which thus far they had accepted in 1838, and yet this was now made a matter of complaint. When their Lordships had altered the former bill, the House of Commons had assented to it, and the merit of this bill was, that it made no alteration in this respect. This was made a matter of reproach. He was astonished that his noble and learned Friend should have objected to that which not only the House of Commons had sanctioned, but which their Lordships had agreed to in 1838. He was glad, however, to find that there was no proposition now made to alter that part of the bill. He admitted, that it might be improved had the other bill been permitted; but he should not now pursue the case further. He was only sorry to have occupied their Lordships' time; but he was sure that their Lordships would not now desire to alter that which formerly they had approved, and the House of Commons had sanctioned.

Lord *Lyndhurst* wished to make a few observations with respect to the last point which had been alluded to by the noble and learned Lord, because on going into Committee, he would not have an opportunity of replying as to that point. He would confine himself to the 22nd., or boundary clause. He differed entirely from his noble and learned Friend as to what had taken place in 1838. Their Lordships had introduced a clause by way of amendment, annexing the rural districts to the counties at large. He had had some share in preparing the clause; and he could say that its object was, that the grand jury of the county at large should present with respect to those districts so annexed. He admitted that there was some ambiguity in the terms in which the clause was worded; but that this was the object of the clause he could take it on himself to aver. It was impossible to read it and not to see that the intention was to annex them to the counties at large, for the purposes of civil and criminal jurisdiction, and also of grand jury presentment. In 1838 that clause had been assented to by the other House of Parliament. The House of Commons in the following year, retained these very words, but the terms which they employed was still clearer as to those districts being annexed to the counties for the grand jury presentments, and also for civil and criminal jurisdiction. Their Lordships had every reason to suppose that that clause would have formed part of the present bill. Why did it not form a part. The ground of annexing the rural districts to the counties at large was to preserve them from the liability of contributing to the expenses of the towns. This was the acknowledged object. But it was stated that the House of Commons did not mean to do this, unless their Lordships assented to something else. To do what? To do that to which he never would consent—namely, to transfer from the grand jury to the council the right of making presentments. Their Lordships had expressed themselves of opinion that it would be injurious to intrust this power to the town-council. When his noble and learned Friend asked in whom did the vested right exist to dispose of these funds, he replied, "Let them be intrusted to the same authority which disposes of the county funds." Which was the more suitable body to preside in Ireland over the distribution of funds of this description, whether their amount was limited or extended—the grand jury, with all those guards and guarantees to which he had alluded on a former evening, or the town-council without any? Because their Lordships would not consent to vest the undivided control over these funds in the town-councils, they were answered by a declaration that the rural districts would not be relieved from the taxation of the towns. He apprehended that this was a complete answer. In 1838 the two Houses agreed to a principle which was afterwards more clearly asserted by the Commons, and assented to by the Lords in 1839. With respect to the rest of the case, a great part of what he (Lord Lyndhurst) had said had been left unanswered. First, as to that part of the case which had reference to the admission of freemen, he (Lord Lyndhurst) had adverted to the circumstance that, after 1831, freemen could not be promoted by birth or marriage, but that they could by servitude; and to that the noble and learned Lord had made no answer whatever. The noble and learned Lord said, that the Members of the guilds had no right by law to be admitted to the freedom, unless through birth, marriage, or servitude. This was stated by Mr. Justice Burton to be "inchoate freedom." And what did they do? They abolished the power to complete this right; and then they said, that they made no alteration in the constituency. This inchoate right enabled these persons to apply to the corporation to be admitted; and practically this amounted to admission; for no instance, he believed, had ever occurred in which the application had been refused. Noble Lords on the opposite side would deprive the constituencies of this right, and yet they asserted that they did not at all touch them. In point of fact, they did interfere by this bill with existing rights, and to a much larger extent than was generally supposed.

The *Lord Chancellor* referred to the bill of 1838 for the purpose of showing that there was no ambiguity in the clause which threw the liberties of towns into the counties. If his noble and learned Friend were right in his interpretation, they must have in all those places two grand juries and two assizes.

Lord *Lyndhurst:* The clause in this bill is liable to the same objection.

Lord *Brougham* not having the honour of being present at the second reading of this bill, only rose for the purpose of saying that he adhered to the principle of the bill, and continued his opposition to all the amendments proposed by his noble and learned Friend. He earnestly hoped that, in which a great majority of their Lordships agreed, some measure on this subject would be passed. He feared in entertaining that hope he should be disappointed from one thing that had been said by his noble and learned Friend, and he trusted he had misunderstood his noble and learned Friend, because if not, he apprehended that all their labour would be vain; and that whether they agreed to or rejected the amendment, this bill would finally be rejected at the instance of his noble and learned Friend. His noble and learned Friend had said, that unless they adopted his amendments he would vote against the bill at some other stage, and in that case, he believed his noble and learned Friend would have the power to prevail on their Lordships to reject the bill. But he had no apprehension upon that ground; because he was afraid that their Lordships would adopt the amendments of his noble and learned Friend. It was not from that quarter he had any apprehension, but it was from another part of the speech, and he hoped he had misunderstood his noble and learned Friend, and that if his noble and learned Friend could comfort him by saying so, he hoped he would tell him that he had misunderstood his noble and learned Friend. He understood his noble and learned Friend to say, after the course that had been adopted with the Grand Jury Cess Bill, that he totally disapproved of the councils of the corporations having taxing powers, and yet he did not intend to move an amendment in that part of the bill, as it would run counter to the admitted privileges of the Commons, and make it imperative upon them to throw out this bill; but then it was said by his noble and learned Friend, that if some other measure were not introduced by the Government, in the only place where it could be introduced, namely, in the other House, and unless that measure were adopted in that House, then, as he understood his noble and learned Friend, he would reject the present bill. He wished to know if he had misunderstood his noble and learned Friend? [Lord *Lyndhurst* nodded assent.] Then if he so understood his noble and learned Friend, he must say that, coupling the statement of to-night with the question which his noble and learned Friend had put a few nights since, as to the introducing of another bill into the other House, and remembering the negative answer of his noble Friend (Viscount Melbourne), that it was not the intention of her Majesty's Government to introduce such a measure, perhaps doubting that they would carry it in the other House—then he feared that the shorter and the more convenient course that his noble and learned Friend could have taken, would be not to put them to the trouble of going through the Committee, but at once tell them to reject the bill. They must know, that that would be the inevitable consequence of putting the bill upon the issue, either that the Government did not intend to introduce such a bill, or if they did, that they would not be able to carry it. If he rightly understood that question and answer, he had little hope that even then, on the fourth or fifth occasion that this bill was before them—and although they thought it absolutely necessary for the peace of Ireland, or at all events highly expedient in every view which could be taken of it—that even then the bill would pass the two branches of the Legislature. With respect to the other matters dwelt upon by his noble and learned Friend, there would be time enough in Committee, if they did go into Committee, to discuss them. He would only add, that he still retained the opinion which he had ever held on the most important part of the subject—the qualification of the franchise. He differed from his noble Friend near him, who approved of the qualification in the bill. For his part, so far from thinking it too low, he thought it too high. He would have no qualification in Ireland different from the qualification in England. The household qualification gave the franchise in England in all the municipal corporations. It had been found to work well. In all the objections that had been urged against the Municipal Bill he never yet heard one whisper against the qualification, and therefore, as at present advised—and it was for the second and third time discussed—he saw no one earthly reason for making one qualification for one part of the empire—he meant England—and another for Ireland. Trust men, and they would show themselves to be trustworthy; show that you distrusted them, and they uniformly earned the title to be distrusted.

The Earl of *Wicklow* hoped that his noble and learned Friend would explain the statement to which the noble and learned Lord opposite had alluded. It was not his intention to discuss the proposed amendments then, as a more convenient opportunity for doing so would be afforded when their Lordships got into Committee; but he wished to say a few words in regard to the boundary question. His noble and learned Friend and the noble and learned Lord upon the woolsack were at variance on this question, and he thought it was therefore desirable that their Lordships should come to some understanding in respect to boundaries before going into Committee. There were large districts not connected with the towns, and nothing could be more unjust than that the towns should have the power of taxing those districts. There ought to be but one system of taxation in the towns, while at present there were two, viz., that under the municipal corporations, and that under the grand jury. He was anxious to call the attention of the Government to this subject, in order that they might, if they saw necessary, introduce a bill for settling the difficulty which existed.

Lord *Lyndhurst* said that he never meant to say positively that if the Government did not bring in a bill for the purpose of rectifying what he considered unjust, he would not give his assent to the present bill. What he intended to say, and what he thought he did say was, that he would not amend this bill in such a way as to infringe with his eyes open upon the privileges of the House of Commons; therefore that he would pass over the clauses connected with the point, leaving it for the Government or her Majesty's Ministers to pursue such a course as they might think it expedient and prudent to pursue with respect to it, leaving to himself afterwards, upon due consideration of what the Government might do or omit to do, to pursue such a course as under all the circumstances they might think it prudent and wise to adopt.

Lord *Brougham* was exceedingly relieved by what had fallen from his noble and learned Friend. He would have been more entirely relieved if there had been less of doubt and postponement in the tone of his noble and learned Friend. However, he felt that there was much less gloom in his (Lord Brougham's) prospects, and he could not avoid fairly stating that his noble and learned Friend had very considerably relieved him.

The Marquess of *Lansdowne* said, that the noble and learned Lord opposite objected to the power of taxation being given to the municipal bodies, because it was not accompanied by sufficient guards, by such guards as existed in the case of grand juries to prevent abuse. He was ready to state, if the noble and learned Lord would consent to give the power upon condition of having such guards, that there would be no objection on the part of the Government to proposing them. But he must take that opportunity of expressing his hostility to one of the noble Lord's amendments, which appeared to him subversive of the principle on which the bill was founded, namely, responsibility. He was astonished to find this amendment introduced, though certainly not introduced into the speech of the noble and learned Lord. He was astonished to find when their Lordships were engaged upon a bill with the important object of creating throughout Ireland responsible government, and responsible administration, that the noble and learned Lord should select that opportunity for attempting to create by Act of Parliament a corporate body responsible to no one; to provide for its perpetuity, by making the Members elect each other, and by excluding the public from every protection against the abuse of the public funds entrusted to that corporation. The amendment to which he adverted was that referring to the Blue-coat Hospital. [Lord *Lyndhurst*: It was in the bill of last year, and of the year before.] It was; and it was then objected to by him. He had objected to it before, and he would object to it on every occasion on which the noble and learned Lord might bring it forward, or attempt to set up irresponsible government; he would not say for the purpose, but certainly with the effect of perpetuating abuse. What was the case of the Blue-coat Hospital? The noble and learned Lord said that it originated in a charter of Charles 2nd, which granted land for the maintenance and education of children, and for the relief of the poor and impotent; the administration of that property was placed in the hands of the mayor and common council of Dublin, changeable from time to time, and amenable of course for the consequences of abuse to the corporation at large. How did the noble and learned Lord deal with the Blue-coat Corporation. He excepted it from the bill, and from the power which the bill gave to the Lord Chancellor to appoint trustees. For the conduct of this charity, the noble and learned Lord determines that the persons actually forming the body should continue to form it, and administer the funds of the charity, supplying vacancies by self-election, and utterly unaccountable to any human being. Nay, this corporation was to be exempted from the operation of clause 215, which required accounts to be referred to the commissioners of public accounts, and which applied to all the new corporations. The noble and learned Lord did not think it necessary that the persons forming this corporation should be accountable at all. He did not seem to think there could be any delinquencies, except in the new corporations. Everything old in Ireland seemed to have established such a character for itself in the opinion of the noble and learned Lord, that he thought those who administered it might be left to their own guidance. It was important it was said, to retain this body in existence, because it was for Protestant purposes. But let them be honest Protestant purposes. So far they were provided for by the bill as it stood, which directed the Lord Chancellor to name trustees. There was certainly nothing in the charter to confirm the application of the funds to Protestant purposes. But even admitting the limited sense of Christian charity which had grown up within the walls of Dublin, still it did not follow that what was intended for the poor of Dublin should be restricted to a portion of the Protestant population. Assuming the expediency of continuing the body, there was no reason why its benefits should be confined to the freemen of the late corporation—for it would be the late corporation when this bill passed. Nor did the funds appear very beneficially placed in the hands of managers who could not keep children for less than 26*l.* per annum each, and who made that an excuse for reducing the number of children in the institution. He did not think this proved much fitness for administering the funds without responsibility. There was another point in the noble and learned Lord's amendment, which was inconsistent with his propositions of last year—as great an inconsistency as any which he charged on the Government. The noble and learned Lord had introduced words which would produce a year's delay before the bill came into operation. In reference to the poor-rate, the noble and learned Lord required that the party should be assessed ten months before the enjoyment of the right to vote. Then there was a clause giving power to the Lord-lieutenant such as had never been given to a public officer. It gave power to the Lord-lieutenant to tax the municipalities at his pleasure. He might select one officer of the corporation, and might say he should have thrice the amount of salary of his predecessor in the office by virtue of the act, and this without any permission from the people on whom the money was levied. Was such a power ever given to a Lord-lieutenant? Would her Majesty's Ministers ever ask for such a power while professing the utmost jealousy and distrust of the new bodies—which, as his noble and learned Friend had said, it was not extremely wise to show at the moment when they said they were compelled to call these bodies into existence, and to give them a certain degree of power—but while exhibiting this distrust, they proposed in addition to give to one man the power of taxing every municipality without limit. Their Lordships would find, that he had not overstated the necessary results of the clause by which the Lord-lieutenant might determine to increase and then diminish, and then to increase and diminish again at pleasure, the salaries of public officers without control. The noble and learned Lord talked of the jealousy of the House of Commons in matters connected with the franchise. How could he expect the House of Commons to assent to a proposition for granting one man the power of taxing the people of the country? He had thought it right to state these objections at the outset, and he should certainly take the sense of the House upon the clause giving such extraordinary powers to a public officer.

Lord *Lyndhurst* said, that he had not professed, in his opening statement, to enter into every clause in the bill. It never struck him that it was necessary to refer to a clause such as that relating to the Blue-coat Hospital, which, on two successive occasions, had been sanctioned by a majority of their Lordships. The noble Marquess was quite mistaken in supposing that the managers of that charity would be irresponsible. The noble and learned Lord on the Woolsack could tell him that the Court of Chancery had power to make such parties perform their duties.

The Marquess of *Lansdowne* understood the noble and learned Lord to say, that if a poor Protestant of Dublin found his child unjustly excluded from the Blue-coat School, he had the very satisfactory remedy of instituting a suit in Chancery. That was the kind of remedy which the noble and learned Lord would have for abuses in the municipal corporations.

Lord *Lyndhurst* said, that the conduct or misconduct of persons in a public situation could only be determined by a judicial inquiry. Nothing of the kind had taken place with respect to the managers of this charity, and he could attach no value to assertions of their misconduct.

The Marquess of *Lansdowne* had said nothing of the management of the charity, which was not founded on the report of the commissioners, a document which the noble and learned Lord himself frequently quoted.

House in Committee.

On Clause 6,

Lord *Lyndhurst* proposed, as an amendment, to leave out the following words in the said clause :—

"Provided, that nothing herein contained shall prejudice, confirm, effect, or alter any right of voting of any such person who shall have been admitted a freeman of any such borough at any time before this act shall come into operation in that borough; and that every person who shall then have, or who, if this Act had not been passed, thereafter would have had a right, by reason of birth, marriage, or service, or of any statute so in force, to be admitted a freeman of any such borough, to be placed on the roll of freemen of such borough, and to acquire as such freemen the right of voting in the election of a member or members to serve in Parliament for such borough, shall be entitled to be admitted and enrolled as a freeman of such borough, on the previous roll, according to the provisions hereinafter contained, and to acquire and enjoy as such freemen such right of voting, subject to the conditions in such recited act contained, as fully as if this act had not been passed, and as if he had been actually admitted a freeman of such borough, provided he shall be enrolled in the freemen's roll of such borough, according to the provisions hereinafter contained."

For the purpose of substituting the following :—

"That all persons now entitled to vote at the election of a member or members to serve in Parliament for any borough named in either of the said schedules (A and B), shall continue to enjoy such right as fully as if this act had not been passed; and that every person who, if this Act had not been passed, would have had a right to be admitted a freeman or burgess, or to be placed on the roll of freemen or burgesses of any such borough as aforesaid, in order to be registered, and to vote in the election of a member or members to serve in Parliament, or might hereafter have been entitled to acquire, in respect of birth, or marriage, or servitude, or of any statute then in force, as a freeman or burgess, the right of voting in the election of a member or members to serve in Parliament for such borough, shall be entitled, if such borough be one of the boroughs named in the said schedule A, or one of the boroughs to which a charter of incorporation shall have been granted, as hereinafter is mentioned, to be admitted a freeman or burgess, or placed on the freemen's roll of such borough, and to acquire and enjoy such right of voting as fully as if this Act had not been passed; and if such borough be one of the boroughs named in the said schedule B, to which no such charter of incorporation as aforesaid shall have been granted, to acquire and enjoy without having been admitted a freeman or burgess, such right of voting as fully as if this act had not been passed, provided he shall be enrolled on the freemen's roll of such borough according to the provisions hereinafter contained."

The Marquess of *Clanricarde* opposed the amendment. The Court of Queen's Bench in Dublin had decided on a writ of *mandamus*, that these persons had not the right described by the noble and learned Lord. The effect of the noble Lord's amendment was, that person's possessing certain opinions should have the franchise, which he should withhold from every other person in the same station of life who did not hold those opinions.

The Earl of *Wicklow* said, that both noble Lords proposed to continue the existing rights of Parliamentary voters, but the question was, whether the bill, as it existed, would continue them. Being desirous to pass the bill if it were possible, but not to deprive any individual of his municipal rights, if any plan could be suggested by which the difficulties would be removed, he would go to a division; but as at present advised, he had come to a resolution not to divide at all.

The *Lord Chancellor* asked, why, if these persons were included, because they had the capacity of being elected, all other persons were not also included? The noble Lord wished to give to these persons that which the Legislature refused to honorary freemen. It was contrary to the English Reform Act.

Lord *Lyndhurst* referred to the opinion of the Court of Queen's Bench in Dublin, as expressed by Mr. Justice Burton, and said, that if their Lordships did not admit this amendment, but retained the clause in the bill as originally intended, there would be certain persons who had advanced a certain point to a station, and when they acquired their right of freedom you deprived them of the advantage of the position in which they were placed by abolishing the tribunal whose duty it was to decide, and said they should have no right at all.

The Marquess of *Clanricarde* differed from the noble Lord. Their Lordships ought to give these persons the right by enlarging the operation of this bill, so as to include the citizens of Dublin, and not restrict it, so that it was almost a farce to say you were giving it to the freemen. He hoped that their Lordships would give no exclusive right to persons because they had certain opinions, and deny those rights to all other fellow-citizens of the same class.

The Marquess of *Normanby* referred to the evidence of Alderman Nugent, in p. 10, where he said, " that of 4,000 freemen not one was a Catholic. In point of fact, the corporation was not open to Roman Catholics. Six or seven highly respectable Roman Catholics were admitted to the merchants' guild many years ago, but they were not admitted to the freedom of the city."

Their Lordships divided on the original question:—Contents 60; Not-contents 104;—Majority 44.

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Camperdown
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Clarendon
Craven
Effingham
Errol
Gosford
Ilchester
Kingston
Leitrim
Lismore
Lovelace,
Minto
Morley
Scarborough.
VISCOUNTS.
Bolingbroke
Duncannon.
Melbourne.
BISHOPS.
Chichester
Durham
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Lichfield.
LORDS.
Barham
Brougham
Byron
Colborne
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Methuen
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Aberdeen
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Hopetoun
Dartmouth
Tankerville
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Delawarr
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Clanwilliam
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Lucan
Bandon
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Wilton
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Verulam
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De Grey
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Paired off.

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Marquess of Exeter	Marquess of Sligo
Marquess of Cholmondely	Duke of Leeds
Marquess of Ormond	Lord Stourton
Earl of Sandwich	Earl of Uxbridge
Earl of Jersey	Lord Godolphin
Earl of Morton	Earl of Zetland
Earl of Eglintoun	Lord Belhaven
Earl of Galloway	Lord Lynedoch
Earl of Dalhousie	Marquess of Breadalbane
Earl of Airlie	Earl of Radnor
Earl Talbot	Lord Sherborne
Earl of Digby	Earl of Carlisle
Earl of Beverley	Lord Seaford
Earl of Carnarvon	Earl of Suffolk
Earl of Liverpool	Earl of Rosebery
Earl of Malmesbury	Lord Arundell
Earl of Roden	Marquess of Conyngham
Earl of Mountcashel	Lord Lovat
Earl of Longford	Marquess of Anglesey
Earl of Clare	Duke of Sutherland
Earl of Rosslyn	Earl of Sefton
Earl Manvers	Lord Howden
Earl of Lonsdale	Earl of Shrewsbury
Earl of Bradford	Earl of Oxford
Earl of Sheffield	Lord Talbot de Malahide
Earl of Falmouth	Lord Montford
Earl Howe	Lord Western
Earl of Stradbroke	Earl Bruce
Earl of Dunraven	Lord Wrottesley
Viscount Maynard	Duke of Norfolk
Viscount De Vesci	Bishop of Ripon
Viscount Doneraile	Lord Carew
Viscount Ferrard	Lord Plunket
Viscount Canning	Earl Cowper
Bishop of Winchester	Bishop of Norwich
Bishop of Rochester	Bishop of Salisbury
Bishop of Carlisle	Bishop of Hereford
Lord Sinclair	Lord Dunfermlin
Lord Monson	Duke of Sussex
Lord Southampton	Lord Seagrave
Lord Kenyon	Lord Langdale
Lord Dunsany	Lord Cloncurry
Lord Farnham	Earl of Meath
Lord Clonbrock	Earl Spencer
Lord Churchill	Lord Camoys
Lord Prudhoe	Lord Lilford
Lord Rayleigh	Duke of Cleveland
Lord Tenterden	Lord Dinorben
Lord Cowley	Lord Bateman
Lord Haytesbury.	Earl of Fingal

Clause as amended to stand part of the bill.

On Clause 7,

The *Lord Chancellor* observing, that under the Reform Act no honorary freeman admitted since the 31st of March, 1831, could vote in the election of Members of Parliament; but, in Ireland, though such persons were not entitled to exercise the Parliamentary franchise, they served to transmit to their children the privilege of being freemen of right; and there had been consequently a large manufacture of honorary freemen, not for the purpose of voting, but of transmitting the right to others. The object of this clause was to assimilate the law in Ireland to what it was in England, and to provide that no man should have a right to the freedom, who did not derive through some one who was a freeman previously to the 31st of March, 1831, or through some person who, since that time, should have become, or should hereafter become, a freeman in respect of servitude.

Lord *Lyndhurst* said, the clause in the bill applied not only to honorary freemen, but to all freemen, whether admitted by birth or marriage, since 1831. His noble and learned Friend proposed this clause on the statement, that he understood a great number of honorary freemen had been made in late years, for the purpose of out-voting the *bonâ fide* electors; but the fact was the reverse, and there were fewer honorary freemen made since March, 1831, than in any similar preceding period. By allowing the clause in the bill to stand, they would be altering the Reform Act, as they would be thereby cutting off from the franchise, those persons who under that act were entitled to it.

The *Lord Chancellor* admitted, that they were attempting to correct an abuse, which existed under that act, by excluding from the freedom those who derived their title through honorary freemen admitted since the 31st of March, 1831.

Lord *Lyndhurst:* It applies, not to those only, but to all honorary freemen.

The Earl of *Wicklow* objected to the clause. By the proposed amendment they would do nothing with the Reform Act. His objection to the last clause was, that it interfered with the Reform Bill. The noble and learned Lord said, there was a mistake in the Reform Act. If so, let the Government bring in a bill to amend it. Surely they could not object to do that, as they were in the habit of bringing in bills each Session, to amend some act of theirs in a preceding Session.

Clause struck out.

On Clause 13,

Lord *Lyndhurst* moved an amendment to except the town of Galway from the operation of the bill.

The Earl of *Wicklow* objected to this amendment. He saw no reason why one of the largest towns in Ireland should be excluded from municipal rights. When this amendment was proposed last year he should have voted against it if her Majesty's Ministers had gone to a division on it.

The Marquis of *Clanricarde* supported the amendment. Galway was peculiarly situated. It so happened that, for a very long time, a constant struggle had been carried on between the corporation and the inhabitants, who had at length succeeded in perfectly reforming all the abuses which formerly existed, and it was now in the very state to which they wish to bring all the towns of Ireland. They had the lighting, paving, and other business of the town managed by commissioners under local acts. He should prefer having Galway placed in Schedule B.

The Marquess of *Downshire* had presented a petition from the town of Belfast, and he thought that if the town of Galway was to be excepted, that of Belfast should be excepted also.

The Earl of *Wicklow* congratulated her Majesty's Ministers on the support of the noble Marquess opposite, who, though a great advocate for municipal reform, was anxious to have his own town of Galway exempted from the operations of this bill.

The Marquess of *Clanricarde* said the noble Earl had mistaken what he had stated. He had only said there were local acts applying to Galway so late, he believed, as 1836, which had given it the reformed corporation which it had at present. That reform being so late, and effectual, and consonant with the wishes of the inhabitants, he did not see any necessity for their Lordships now interfering.

The Marquess of *Westmeath* said it appeared that in Galway the people had obtained sufficient economy in the management of their public funds without any reform. Seeing that the object could be thus attained, he should, therefore, object to applying this bill to any town in Ireland.

The Marquess of *Normanby* observed, that the proposition of the noble and learned Lord (Lord Wynford) was to leave Dublin out of the operation of the bill, which was, in point of fact, to continue all the abuses which at present existed there, while his noble Friend merely recommended that the town of Galway should be transferred from schedule A to schedule B. He would not trouble the Committee to divide on the proposition now made by the noble and learned Lord.

Amendment agreed to.

On Clause 14,

The Earl of *Wicklow* said he thought that this clause was the most dangerous in the bill, as affording a fruitful source of agitation amongst a poor population, who would be liable to be influenced to petition for a charter of incorporation. The clause was exceedingly objectionable, inasmuch as it gave such a power to so small a body of inhabitants in any place as 3,000 to form such a corporation which might be turned to dangerous political purposes by designing men, especially when it might happen that there would not be more than three or four persons of property amounting to 10*l.* in the entire. The whole arrangement was so different from that which was provided for the formation of English corporations, that he should, on the bringing up the report, move the rejection of the clause.

Clause agreed to.

On Clause 34,

Lord *Lyndhurst* objected to the qualification laid down by this clause, and meant to propose instead of it the qualification which was passed in the bill of 1838—the qualification, in fact, of the Scottish Municipal Reform Bill—the occupation of a house of 10*l.* value for the twelve months preceding, and payment of all rates up to within three months of the particular date fixed. As the clause originally stood, it was enacted, that after three years the qualification should cease, and that every householder rated for the poor during that period should be entitled to vote. To this provision he objected, and should, therefore, press his amendment.

Lord *Stuart de Decies* opposed the amendment, which, he contended, originated in an anti-Irish feeling at the other side of the House. He declared that the Roman Catholics were generally richer in towns than their Protestant fellow-citizens, and that the three years contemplated would not make any difference in their comparative conditions similar to what appeared to be expected by the noble and learned Lord. The sole object of the clause, which the noble and learned Lord wished to set aside, was to place the people of both countries on a level, while the opposition to it was grounded upon the mischievous principle of ecclesiastical ascendancy in civil affairs.

The Earl of *Wicklow* denied the justness of the imputation that their Lordships at his side of the House were animated by anti-Irish feelings. Never was a speech so inapplicable, and never was a speech so unfounded. The object of the amendment was most consistent—to provide that the qualification should, in all cases, be 10*l.*, and permanently adjusted according to the rating under the Poor-law.

Their Lordships' House divided on Lord Lyndhurst's amendment,—contents 92; not-contents 50: majority 42.

On the clause relating to the sheriffs of town-counties, (152),

Lord *Lyndhurst* remarked, that in a former bill of this description, proposed in the year before last, the appointment of the sheriffs had been proposed to be vested in the corporations in the first instance, by their appointing or selecting three burgesses or members of the corporation, in order that the Lord-lieutenant should elect one of them to be sheriff of such place, and should he object to all three, the corporators should have a right again to name three more, and submit to the Lord-lieutenant those candidates for election. If he should again decline to select one of them to the office, then and not till then, the appointment was absolutely to vest in the Lord-lieutenant. That bill had been amended in their Lordships' House, with the assent of the noble Viscount at the head of the Government, and he saw the same reasons for proposing an amendment similar to that which had before received the assent of their Lordships, of which reasons he conceived the strongest to be, that as the sheriff's duty was magisterial and connected with the highest department of the administration of justice within the law, that office ought not to be subjected to the mere choice of the persons composing the corporation, but ought to be vested in the first magistrate of the country. He was not prepared to find that this clause of the bill should, after the discussion which had taken place on the occasion alluded to, be restored to its original state. He should now move as an amendment that the clause be altered, so that the appointment of the sheriff of corporations in the cities, boroughs, and towns of counties in Ireland, should be vested, as was now the practice with respect to the sheriffs of counties throughout Ireland, in the Lord-lieutenant.

Amendment agreed to.

On Clause 167,

Lord *Lyndhurst* proposed the omission of the words directing the Recorder of Dublin to hold his court at such times, besides those which he should appoint, "as the Lord-lieutenant should from time to time think fit to direct." He was sure that no person could, in the discharge of his duties, exceed the present Recorder of Dublin.

The Marquess of *Lansdowne* said, that the higher the opinion which he entertained of the recorder, the more anxious was he for his attendance. Could the noble Lord state that the Recorder of Dublin held sessions more frequently than the Recorder of Cork? Was he aware that six weeks often passed without a gaol delivery?

The Marquess of *Normanby* said, that on more than one occasion had the judges impressed upon the Lord Mayor of Dublin, on his presentation to them for their approbation, the necessity of endeavouring to obtain a more frequent gaol delivery.

Lord Lyndhurst withdrew his amendment—clause agreed to.

All the clauses of the bill were passed through, some were struck out, and several were amended.

Schedules postponed. The House resumed.—Committee to sit again.

* * *

HOUSE OF COMMONS,

Monday, June 29, 1840.

MINUTES.] Bills. Read a first time:—Canal Police; Episcopal Church (Scotland).—Read a second time:—Poor-law Commission; Goods on Canals; Insane Prisoners.—Read a third time:—Arms (Ireland); Sugar Duties; Chimney Sweepers.

WEAVER CHURCHES.] The Order of the Day having been read for resuming the adjourned debate on the question that the House do agree with the Committee, that the costs of opposing the bill be paid out of the new funds, on bringing up the report of the Weaver Churches' Bill,

Mr. *G. Wilbraham* said, he felt bound to oppose this bill in every way that the rules of the House permitted. It was a bill that had for its object a most unjustifiable diversion of the funds of the county of Chester. The surplus revenue derived from the tolls of the Weaver navigation had for many years relieved the county of Chester from the payment of rates, and he considered it most unjust, that this revenue should now, without any reason whatever, be diverted to a totally different object.

Sir *R. Inglis* was surprised at the opposition given to the bill, though he was opposed to the clause.

The House divided. Ayes 58; Noes 70:—Majority 12.

Mr. *Wilbraham* then moved as an amendment, that the minutes of the evidence taken before the committee be laid before the House. There never was an occasion in which such a measure as this now before the House was less called for. The great body of the population for whose accommodation the churches in question were intended, were Dissenters, extremely attached to their peculiar mode of worship and to their own ministers. As far as there was any want of accommodation for religious worship and instruction according to the Church of England, it could be adequately supplied by voluntary contribution.

Sir *C. Lemon* said a great deal of spiritual destitution and ignorance prevailed in the district, and there were two fanatical women who were followed by large numbers of the ignorant and uneducated classes. The question was whether they would endow these women, or was the Established Church to be endowed?

Sir *P. Egerton* believed the amendment had merely been moved for the sake of delay, and therefore he should oppose it.

Mr. *Hobhouse* said, that the House ought to have the evidence before them. He had carefully attended to that evidence, and the result was, that he did not consider there was any want of spiritual accommodation in this district. This was a case of great importance, and the House ought to have before it every possible means of forming a correct judgment.

Lord *R. Grosvenor* was also of opinion, that the evidence ought to be laid before the House.

The House divided. Ayes 136; Noes 166:—Majority 30.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Ainswort, P.
Alsager, Captain
Arduthnott, hon. H.
Ashley, Lord
Attwood, W.
Bagge, W.
Bagot, hon. W.
Baillie, Col.
Baillie, H. J.
Baldwin, C. B.
Baring, H. B.
Baring, hon. W. B.
Barrington, Viscount
Bell M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blair, J.
Botfield, B.
Bradshaw, James
Bramston, T. W.
Broadwood, H.
Brooke, Sir A. B.
Bruce, Lord E.
Bruce, C. L. C.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Cartwright, W. R.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Cochrane, Sir T. J.
Codrington, C. W.
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Courtenay, P.
Cresswell, C.
Darby, G.
Darlington, Earl of
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Dugdale, W. S.
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Eliot, Lord
Ellis, J.
Estcourt, T.
Fielden, W.
Fellowes, E.
Fitzroy, hon. H.
Follet, Sir W.
Forester, hon. G.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grant, Sir A. C.
Greene, T.
Grimston, Viscount
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Herbert, hon. S.
Hillsborough, Earl of
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Houston, G.
Hughes, W. B.
Hurt, F.
Ingestre, Viscount
Inglis, Sir R. H.
Irton, S.
Jackson, Mr. Sergeant
Jenkins, Sir R.
Jones, Captain
Kelly, F.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Lemon, Sir C.
Lefroy, right hon. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel

Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
Mahon, Viscount
Manners, Lord C. S.
Marsland, T.
Marton, G.
Maunsell, T. P.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Mordaunt, Sir J.
Neeld, J.
Norreys, Lord
Northland, Lord
O'Neill, hon. J. B. R.
Palmer, R.
Palmer, G.
Parker, M.
Patten, J. W.
Perceval, Colonel
Pigot, R.
Polhill, F.
Pollen, Sir J. W.
Powerscourt Viscount
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Richards, R.
Rushbrooke, Colonel
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smyth, Sir G. H.
Sotheron, T. E.
Stanley, E.
Stanley, Lord
Sturt, H. C.
Teignmouth, Lord
Thesiger, F.
Thornhill, G.
Tollemache, F. J.
Tomline, G.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Vivian, J. E.
Williams, R.
Williams, T. P.
Wodehouse, E.
Wood, Colonel T.
Wynn, rt. hon. C. W.
Young, J.

TELLERS.

Egerton, Sir P.
Egerton, T.

List of the NOES.

Adam, Admiral
Alston, R.
Archbold, R.
Baines, E.
Barron, H. W.
Barry, G. S
Basset, J.
Bewes, T.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Buller, C.
Buller, E.
Busfield, W.
Callaghan, D.
Cave, R. O.
Clay, W.
Clements, Viscount
Clive, E. B.
Collier, J.
Craig, W. G.
Brompton, Sir S.
Denison, W. J.
D'Eynconrt, rt. hon. C. T.
Divett, E.
Duff, J.
Duncombe, T.
Dundas, C. W. D.
Dundas, hon. J.
Dundas, Sir R.
Dungannon, Viscount
Ellice, right hon. E.
Ellice, E.
Ellis, W.
Evans, G.
Evans, W.
Ewart, W.
Fielden, J.
Ferguson, Sir R.
Ferguson, R.
Finch, F.
Fort, J.
Gillon, W. D.
Gordon, R.
Grattan, H.
Guest, Sir J.
Hastie, A.
Hawes, B.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Hoskins, K.
Howard, P. H.
Hume, J.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Jervis, S.
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lister, E. C.
Lushington, C.
Lushington, rt. hn. S.
M'Taggart, J.
Maher, J.
Marsland, H.
Maule, hon. F.
Melgund, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
O'Connell, J.
O'Connell, M.
Ord, W.
Oswald, J.
Parker, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, G. R.
Power, J.
Rawdon, Col. J. D.
Redington, T. N.
Roche, E. B.
Roche, W.
Rutherfurd, rt. hn. A.
Sandford, E. A.
Sheil, rt. hon. R. L.
Shelborne, Earl of
Smith, B.
Somerville, Sir W. M.
Stanley, hon. E.
Stanley, hon. W. O.
Stansfield, W. R. C.
Steuart, R.
Stuart, Lord J.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornely, T.
Trench, Sir F.
Troubridge, Sir E. T.
Tufnell, H.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, right hon. Sir R. H.
Wakley, T.
Walker, R.
Wall, C. B.
Warburton, H.
Westenra, hon. J. C.
White, A.
White, H.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Wilbraham, G.
Grosvenor, Lord R.

Report received, bill to be engrossed.

SUGAR DUTIES.] On the motion for the third reading of the Sugar Duties Bill,

Mr. *Hume* said, that in the last stage of the bill it would be recollected the House refused to reduce the duty on foreign sugar, and on the preceding evening the House refused to permit the passage of free labourers from Bengal and other parts of the East Indies to the Mauritius; since that time the price of sugar had risen very considerably, and it was likely to rise higher still, in consequence of the deficient supply. What he wished, therefore, to know was, whether it was the intention of the noble Lord to take any steps to insure a supply of free labour in those colonies, on which the supply of sugar depended?

Lord *John Russell* said, that the proposition made to the House was the admission of free labour from the East Indies to the Mauritius. The House decided against that proposition, but, as he understood, on the ground that they had not sufficient information, and not on the ground that it ought to be denied at once and for ever. As he understood that to be the wish of the House, he certainly should not think himself justified in allowing the importation of free labour into the Mauritius, until that further information was received. When that was received it would be for Parliament to say whether it would sanction such a plan. He did not think Government would be justified in advising the Crown to adopt it, until the question had been brought before the House. He was anxious by every legitimate means to increase free labour in our colonies, being convinced it was only by reason of a considerable increase of free labour that we could at all compete or make any successful rivalry with slave labour.

Bill read a third time and passed.

Ecclesiastical Duties and Revenues.] On the question that the House resolve itself into a Committee on the Ecclesiastical Duties and Revenues Bill,

Mr. *Pusey* said, it was with diffidence he rose to move an amendment to the motion. He was bound to acknowledge the authority of the bill, recommended as it was by a commission appointed by one Government and continued by another. Nevertheless, the numerous representations that had been made against the measure were at least entitled to attention and respect. The chapters had almost unanimously protested against the bill, not from interested motives, for they had offered to give up a part of their revenues, but from objections they conscientiously entertained. They objected to the accumulation of the funds of the different chapters into one fund, and it should be remembered, that those chapters were in fact corporations, under the existing law, as much as any municipal corporation. Another objection was, that they conceived the dignities ought to be retained, even if the revenues were taken away. The practice of every profession showed the necessity for honorary distinction. It was also objected to the bill, that it contained nothing as to the duties of these chapters. Now, as ancient institutions, they ought either to be let alone altogether, or, if dealt with at all, substantial duties should be given to their new existence. The chapters had lately exerted themselves very much to meet the growing desire for Church instruction, and schools for the middle classes had been established at Lichfield and other places. He would urge upon the House at least the delay of a year in deference to what he would say was the almost unanimous desire of the clergy of England. The hon. Member concluded by moving,

> "That an humble address be presented to her Majesty, representing that this House, before proceeding to pass any bill for the regulation of cathedral establishments, desires to receive further information as to the duties and general purposes, which are contemplated by the statutes of the respective foundations, and which the capitular clergy, in conformity therewith, may beneficially discharge; and humbly praying, that her Majesty will be graciously pleased to authorise and direct the visitors of the cathedral and collegiate churches respectively, and the bishops of the dioceses wherein they are situate, after consultation with the members of their several chapters, to lay before her Majesty such plans as may in their judgments be best calculated to render each of those churches, 'most conducive to the efficiency of the Established Church,' and to 'providing for the cure of souls.'"

Lord *John Russell:* I am sorry that the hon. Gentleman has throught proper to make this proposition to the House, as it is one which might be expected to emanate from a Member less sincere upon the subject than the hon. Member himself. I cannot imagine that any other object is sought by the motion than delay, and there does not appear to me to be any reason assigned why the House should not proceed with this bill. The commission appointed to consider this subject was appointed by the advice of the right hon. Baronet opposite (Sir R. Peel) in 1835. That commission comprised the Archbishop of Canterbury, the Archbishop of York, the Bishop of London, with other eminent prelates, together with persons holding the highest official dignity, all of them fully qualified for the task, to which they devoted much time and attention. The commissioners made their report on the 24th June, 1836, now little more than four years ago, which report was immediately laid upon the table of the House, and I brought in a bill founded upon that report. In the course of last year, some grave and some lively and facetious pamphlets were written upon the subject, and a committee of persons connected with the different cathedrals having sat during the last Session, it was the opinion of certain members of the church commission, that if that committee had more time for consideration, they would make some proposal in accordance with the opinion of the church commission. The church commission, in the mean time, went on perfecting the former opinions. The committee of chapters, after prolonged consideration, proposed a plan which did not meet with the concurrence of the chapters throughout the country. For instance, the chapter of Durham dissented from the plan. The committee of chapters then amended, changed, and altered their plan; and then, when altered, amended, and changed, it did not meet with the consent of the chapters, as it diminished the revenue of the chapters, and as it did not answer the purposes of general instruction according to the principles of the Church of England, which the commissioners recommended. The Dean of Ely stated a proposal they wished to make, and that in a form partly logical, partly mathematical, so as to bring the question fairly before the consideration of those who paid attention to it. Yet I do not think that these propositions have met with general assent, and I believe that those who object to the church commissioners' recommendation, that the chapters should be made to contribute to the religion, education, and instruction of the country, disapproved of the proposition made by the committee of chapters, who addressed to one of the commissioners a memorial, which has been laid before the House, I think, for two years—at least it is a year since the memorial has been laid upon the table of the House. There has been given ample opportunity to lay individuals, and to those belonging to the Church, as well as to the chapters themselves, to state their views upon the subject. Though the plan recommended by the church commissioners, supported as it is by eminent dignitaries of the highest rank in the Church of England, and by men of different parties who take a lead in political affairs—though the plan so recommended and so supported should be found to be wrong—yet there is no excuse for saying, that the House has not had the fullest information upon the subject. No circumstance has been omitted which could contribute to supply that information, and so ample has it been, that every person may feel satisfied that they need not look for any additional information. I trust, then, that the hon. Gentleman will not persevere in his motion. The hon. Gentleman has alluded to a difference of opinion entertained by some of the bishops upon this subject. In my opinion, we should not delay the measure on that account, for the object of my motion is to enable the bishops who have seats in the House of Lords to express their own opinions with respect to this bill. Every information having been given, and the matter having been fully investigated, I shall feel it my duty to oppose the motion of the hon. Gentleman.

Mr. *Acland* thought that there certainly was room for further inquiry; thirteen visitors of cathedrals had protested petitions against the bill, and though the Primate and the Bishop of London had declared in its favour, yet there was reason to believe that two-thirds of the other Bishops were opposed to its provisions. If episcopal authority were quoted on the one side, laymen might on the other side shelter themselves under the authority of thirteen visitors of cathedrals. In addition to this, the two universities had protested against it, and it was well known that they were extremely cautious in taking a step of that nature; moreover, there were numerous petitions in every year since the subject had been introduced. No one who had paid the least attention to the subject could, for a moment, doubt that it was one which had never yet been fully or fairly brought under the consideration of Parliament. The noble Lord opposite had quoted the authority of the hon. Member for Tamworth, but the measure was in no degree his; the right hon. Gentleman had done nothing more than appoint a commission. It was not to be denied that the purpose of that commission was to increase provision for the cure of souls, but the fact that several of the chapters were the owners of impropriate tithes formed no reason why the funds for increasing that provision should be derived from them, for the Bishops received as great an amount of impropriate tithes as the chapter. He would not say, let the chapters be maintained as they are now, without any change; but, let them not be suppressed for the sake of obtaining the revenues they possessed. The chapters were bound to augment the livings that were connected with them, and were responsible for providing spiritual instruction for all persons who were within the limits of their spiritual authority; for were they unwilling to admit that responsibility, but were ready to contribute to a general fund for the purpose of supplying the spiritual wants of the people. It was well known that this country was mainly converted to Christianity by the establishment of bodies very much like the present chapters, in their constitution, as well as in their tenure of property and statuary declarations. He was willing too to admit that the chapters, in the first instance, were not founded for the promotion of learning by holding out prizes to young men, inducing them to give up the law and other professions to go into the Church, but for the education of the clergy. In the early times of Christianity in this country, the Abbey Church of Westminster was founded as a seminary of learning; while St. Paul's Church was founded more for the sake of preaching and divine service. It might be said, perhaps, that it was beneath the dignity of the canons of the chapters to undertake the duty of inspectors of normal schools, but he knew the contrary to be the case, and that persons of the highest talents were willing to devote themselves to that service. He knew, at least, one instance of a person, whose name, if he were permitted to mention it, would command their respect, who was most willing to serve his Church, and he might say his God, by devoting himself in what might be called the crisis of this great question, to the almost gratuitous service of the Church. It was well known, too, that Archbishop Cranmer had drawn up a plan for employing the cathedrals as seminaries of learning. The number of small endowments which were now rising up in the country had so much diminished the prospects of the Church, that although every thing like Bible clerkships and exhibitions were eagerly caught up at Oxford, yet many deserving young men were prevented from going into the Church, because their families found it necessary to contribute to their maintenance for a long time after they had entered the profession. He had heard, too, that since this bill had been laid before Parliament there had been a considerable change at the University of Cambridge, and that practically this bill, concurrently with the numerous appointments that had been created for barristers of five years standing, had much diminished the number of young men who went into the Church. If the difficulty could be got rid of, which arose from the eminent persons who formed part of the commission being in some measure pledged to the provisions of the measure, he had no doubt but that another measure might be devised which would conciliate all parties. He had no wish to maintain cathedral preferments as sinecures; he knew that as sinecures they had their advantages, and he cast no blame on those who now filled these situations for continuing the system, which they found in operation, and to the introduction of which they had not been parties. He did not advocate the continuance of these dignities as sinecures; such was not originally intended to be their character, and although he admitted that, when held as sinecures, they had produced many good effects, he could not recommend that they should continue to be so held, looking at the spirit of the times in which we lived. He thought that out of our cathedral establishments theological schools might be formed, from which great benefit would arise to the Church. At the time when the dioceses had been altered, it had been seriously taken into consideration, whether the number of Bishops ought not to be increased; that proposition was, however, rejected, and instead of having some small dioceses, and others of enormous extent, as was the case previously to the alteration, we had now twenty-four dioceses, so large that the strength of ordinary men was inadequate to discharge the episcopal functions, unless the Bishops became men of business, and devoted no time to their spiritual duties. Great advantage might, therefore, be derived by the Bishops from the assistance which the chapter would be able to afford them. He did not, however, mean to contend that the distribution of cathedral property must of necessity remain exactly as it stood at present, nor that the members of existing chapters were always to remain the same; but each case ought to be considered when any alienation of property took place. It should, in the first place, be considered what would be required to raise to an adequate amount the impropriate vicarages which had an absolute claim upon each chapter. The impropriations of deans and chapters alone, without taking into consideration separate endowments, would require an annual sum of not less than 60*l*. 3*s*. to raise those to the value of 300*l*. a-year. In many instances, after setting apart the requisite sum for this purpose, there would remain a very small surplus, quite inadequate for the purpose of relieving the spiritual destitution existing within the diocese itself. This would be the case in the dioceses of Exeter, Peterborough, Rochester, Worcester, York, London, and Winchester. In other instances, such as Bristol, Gloucester, Ely, Hereford, Lichfield, Norwich, and Lincoln, there would be no surplus whatever, the sums taken by the bill being insufficient to raise the impropriations of the cathedrals themselves to the moderate amount which he had stated. In every diocese except three, there was an amount of spiritual destitution which he could not help thinking had a prior claim on the funds of the chapters. Each case deserved to be looked into; but he did not think the best scheme which could be devised had been adopted in this bill. He believed it had been supposed by the commissioners that those who opposed this scheme objected to any general fund; such, however, was by no means the fact. The feeling, however, was, that a fund should be derived, having regard to the original institution as well as to the *bonâ fide* spiritual efficiency of the chapters. The bill had been postponed last year for the purpose of enabling the chapters to prepare with that view some equivalent plan consistent with their oaths and constitutions? but when they proposed one which in its ultimate pecuniary results would be precisely equivalent, and in a great degree conformable with the report of the commissioners, the noble Lord, the Secretary for the Colonies, only two days after those parties had thus abandoned the high vantage ground of standing by their oaths and property, came down to the House and declared, that the bill must go on as originally introduced. He wished to know, whether last Session it had been pre-determined to push this bill through at all hazards? He asked hon. Members, who were nurtured in the noble institutions of Oxford and Cambridge, upon what principle they could defend the maintenance of the endowments of those institutions, if they now cut down the cathedral chapters to the amount of those actually in residence, and able to perform the daily duties?

Mr. *Goulburn*, after acknowledging the learning and ability displayed by his hon. Friend, said he could not vote for the proposed resolution, because he saw no advantage likely to result from delaying discussion on the conflicting plans which had been broached. It would not be for the convenience of the country or the safety of the cathedral establishments themselves, if Parliament went on year after year suspending, by temporary bills, the discharge of the duties which cathedrals were bound to perform, and not placing them on that permanent footing, on which it was intended to maintain them. He did not come to the present discussion entirely prepared to concur in all the details of the present bill. He thought another arrangement might have been made, more advantageous for the object in view, and more calculated to command the public approval. He had concurred in the appointment of the Church commission, because he had long felt, that there existed an extensive spiritual constitution, which called for some effort on the part of the public and the Church to remedy; and he thought it became the Church in an exigency of this kind to review its establishment, for the purpose of seeing what assistance it could give towards this object, for then it might call with double force on the public afterwards to fulfil their part of the duty. The first step which the commission took was to consider the episcopal income; and they made alterations in the mode of its supply by releasing the cathedrals from the obligation of contributing towards it. The cathedrals being thus benefitted, the commission next inquired how far they might be made to afford a partial relief of the destitution which prevailed throughout the country. He agreed that the amount of money to be applied to parochial ministration should be the same as that proposed to be given by the commission; but with their proposal, some of the clauses of the bill were at variance, and would indeed effect a greater diminution of the income of the cathedrals. He, also, was of opinion, that there should be a general discretion allowed for the application of the funds in whatever quarter they might be required; and this he contended was no abandonment of the principle of cathedral appropriation. Indeed, since the diversion of cathedral income had been spoken of, he must observe that nothing had been more common than to nominate a bishop whose episcopal income was limited, to a prebend in a diocese with which he had no connexion. If they went back to history, and to the time when

Queen Anne's Bounty was instituted, and applied to the augmentation of small livings, and considered the effect which that fund produced in the country, let any man contemplate what would have been the effect if 100,000*l.* a-year had been regularly and constantly applied to meet the evil they were called upon to deal with? If an effort had then been made, we should not now have to complain of the destitution they saw around them. He thought the bill would be found to involve difficulties, and that the reduction of cathedral establishments with a few exceptions, to an uniform number, to be in the greatest degree objectionable, and that it would lead to the most inconvenient results. He knew from the inquiries he had had occasion to make, that the difficulties would be extreme, and that they would involve the greatest inconveniences. He thought that with a reduction in the number of the cathedral establishments, they could not be sufficient to discharge the duty as it ought to be done, and this would raise against them a degree of popular feeling. For the reasons he had stated, although he concurred with many of the views of the hon. Gentleman who had preceded him, he must give his vote against the motion of his hon. Friend.

Mr. *Gladstone* would state at the outset, that he, for one, gave the noble Lord credit for having approached this subject with an earnest desire to arrive at a satisfactory settlement of this question, and a sincere wish for the welfare of the Church. He entertained the same opinion with respect to the noble Lords and hon. Gentlemen on his side of the House, with whom he had the misfortune in some degree to differ. For the individuals comprising the commission, he felt the highest respect, but when he was pressed with the authority of the commissioners, he asked by what authority their recommendations were supported? If he was told, that as a churchman, he ought to defer to them, he assented, but in a question of this kind he thought he was bound to look to the Bishops of the Church. He believed, that he was correct in stating, that the Primate of England and the Bishop of London were the two individuals most responsible for the provisions of this bill. There were five Bishops in the commission, but of them it was pretty well understood that three (either with reference to the abstract principle of the recommendations or to some other point) were not disposed to consent to the recommendations; and, as to the Archbishop of Canterbury and the Bishop of London, their recommendations had been somewhat diminished by circumstances. He should like to know whether the opinions expressed in those recommendations had or had not been maintained by them all their lives, or whether they had been suddenly adopted, It had been stated in print, and in a publication of considerable celebrity, that the Primate of England, up to the moment of the discussion of the question in the ecclesiastical commission, had been opposed to such a project, and with respect to the Bishop of London, they were not left to inference of any kind, for the Bishop of London, in a charge delivered within a few months before the ecclesiastical commission, expressed himself in a manner fatal to the very principle of the bill, and in the spirit of the hon. Member for Berks. The Bishop of London said, he did not think a measure of this kind expedient in itself, or that it could be carried into effect with safety to the Church, except by an inquiry into the circumstances of any diocese and the wants of the inhabitants, and that a mode of supplying their wants could be devised, "without breaking up the ancient frame-work of our polity." So far, then, as the authority they were called upon to look up to—the heads of the Church—that authority was not with, but against the measure. It was understood that a greater number of Bishops were against the measure; that nineteen out of twenty-six, that is all except seven, had expressed their disapprobation of the bill. Whatever might be the value of their authority with some, with him they had a great weight, and were sufficient to justify him against the charge of acting with disrespect to authority. Now, one word with respect to tithes. The noble Lord had said, that if the motion had not come from the hon. Member for Berks, he should have treated it as an evasion of the question. With respect to tithes, he was most desirous to avoid a general discussion of that subject in the House, for they were not a body well adapted to enter into the details of ecclesiastical questions. The great majority were disposed to settle the question amicably, but they had not the information necessary to settle it properly. He must say, that a bill recommended by such high names, ought to receive the attention of the House; but there had been no loss of time attributable to the hon. Member for Berks; his address had been proposed as soon as possible; but did the noble Lord think that a question which involved twelve millions of money, if it should go up to the House of Lords, would become a law in the present Session? The real object in bringing on the discussion of this question, was, that the public mind might be disabused on the subject of cathedral establishments which had been instituted with a view to a higher form than the debased and degraded form to which improper patronage had reduced them. He had not any exception to make to the composition of the ecclesiastical commission. He objected to the bill because it gave a shock to property; secondly, because it would not remedy the abuses of cathedrals; and thirdly, because it would frustrate the very object for which it was introduced. Men had been allowed to bequeath their property for these purposes, and their bequests ought not to be interfered with on the mere pretence of general improvement. He thought they had no right to violate the wills of founders of cathedrals. He believed that the object of the noble Lord might be carried into effect consistently with the wills of founders of cathedrals, and it was contrary to all reason, and to the rule of law respecting bequests to violate the wills of founders when we could gain the object by respecting them. He was aware of the inconveniences attending an individual who proposed a counter measure against a measure recommended by such high authority; but, in fact, no appeal had been made to the parties who were entitled to be heard. The three gentlemen in Suffolk-street, were gentlemen of observation and of acuteness, and were disposed to do the best they could; but they were limited and confined to the object of extracting a certain amount of pecuniary contribution. But they would not be put in a way to arrive at a just result without an appeal to these, the bishops and visiters, who were entitled to be heard, and to propose plans for the improvement of these great establishments. The words in which the founders of cathedrals have defined the purposes which they had in view were so large, that there was hardly any religious object which might not be included in them. The charter of Henry 8th to Durham Cathedral, mentioned amongst the objects of the institution, the maintenance of discipline and good habits in youth, and that pious works of every kind might glow abundantly for guide for the glory of Almighty God and the general welfare of mankind. What object of benefit to the church in the neighbourhood might not be fairly included in such terms? Admitting that there had been abuses in cathedrals, the bill would not remedy them. It might, perhaps, limit their extent, but it contained no general provision for effecting its professed object. It would not put an end to the abuses which were acknowledged to exist, but it would carry them into another class of society. It might no longer be worth the while of rich men to job in ill-paid sinecures as it was when the sinecures were well-paid; but so long as sinecures were to be obtained, there must be jobbing. Now the remedy which he proposed was to fix the duties of the capitular bodies, and to take security for their performance. It should be recollected that the chapter took a part in the election of the bishop, and although the part taken was only a formal one, it was important that the chapter should not be reduced to a state of inefficiency, because an occasion might arise when it would become the duty of the chapter to interpose its voice and prevent any gross abuse of the power of the Crown. The chapter were also the council of the bishop, and from all history it was perfectly clear that cathedral chapters were intended to act in that capacity. The only argument against this part of the case was that put forward by the noble Lord, the Secretary for the Colonies, when he said that since the death of Bishop Burnet, about 120 years ago, no such thing had ever happened as a chapter acting as the council of the bishop Admitting that, however, to be the fact, yet, if the constitution of the church recognized their exercise of those functions, were we to be bound by, he would not call it the practice of the Church, but the abeyance into which its functions had fallen, instead of restoring such of its institutions as had fallen into decay? In matters, civil and military, England had done much during the last century, but he was sure that any man, looking back to the last hundred years in order to ascertain what ought to be the practice of the Church of England would choose a period the most infelicitous that could be selected. That century, which had given way to one which he hoped would be the beginning of a very different era, had been distinguished by a declension in doctrine, in discipline, and in practice. Now, formerly the chapter assisted the bishop, as his council, in conferring ordination, and also in giving effect to a sentence of deprivation; and they were bound by the canons of the Church to aid him in the exercise of those important functions. He was quite sure that the isolated position of the bishops worked most unfavourably for the Church and the people, and that it still formed one of the main causes which kept the Anglican Church separate from their Protestant brethren from whom it was so unfortunately divided. It might in this particular take a lesson from those who had long known how to guide their Church policy. The Church of Rome in England, as he had been informed, though a poor church, and a voluntary church, was about to reorganise those institutions which it was the object of this bill to reform by cutting down. The influence of the bishops of the Church of England was too small, because their power was too large, and that power was alien to the spirit of the present time, as well as to the practice of the primitive church. He thought, therefore, that it might be worth while to consider whether it would not be important to restore to the chapters those functions which they had formerly exercised as council to the bishop. One objection to this was, that the members of the chapters were neither inclined, nor adequate to discharge those duties. But that was no answer to his argument, for the present members of chapters, if disinclined or inadequate to the discharge of those duties, must have been appointed by a vicious exercise of patronage, which was not to be looked for in future. Again, there was one general object of capitular institutions, which he was sure that no man in this country would estimate lightly, although he might consider it secondary to the object of relieving spiritual destitution, and that object was the maintenance of theological learning. He must say, that, if the acquisition of theological learning was at any time important, it was particularly so at the present period; partly because of the medium position which the church held between the Church of Rome and the Dissenters, and partly on account of the character of the studies of the time, which, although embracing a wider range than formerly, were much more superficial. But, further, it was the specific design, the still narrower object of these institutions, to advance knowledge and learning, not only by affording a retreat for learned men, but by actual tuition. At the time of the Reformation, one great argument used for the suppression of the monasteries was, that they had become unfit for the diffusion of knowledge, and, therefore, it was necessary to apply their revenues to the advancement of learning in some other way. There was abundant evidence to show, that it was the design of the church that these capitular bodies should be seminaries of instruction. The whole of this subject had been treated by Dr. Pusey, in a work written before this question was agitated, in a manner which must carry conviction to the mind of any Member who would give an hour to its perusal. The designs of Cranmer, however, were disappointed, for he had projected, that in every cathedral, provision should be made for readers in divinity, and Greek, and Hebrew, and that the bishop should thus have a college of clergymen under his eye, who would be promoted according to their deserts. These establishments would promote theological learning, and subserve the purposes of general education. Now, if there was one want felt by the church more than another, it was the want of that zeal, piety, and talent which was to be found among the lower class of the population. If we had, as he hoped we soon should have, training schools belonging to our cathedral establishments, and these again connected with our national schools and village schools, this want would be fully supplied. It would be a matter of reward to be taken out of a village school, and sent to a training school connected with a cathedral, and if the statutes regarding cathedrals were carried into effect, young persons might be sent from these training schools to the university, where an exhibition would be found for them, and then, returning from the university to the cathedral, they would receive a clerical education, and might be sent out to labour in the vineyard of the church. He called, then, upon those who complained that the church was at present too aristocratic to assist in this attempt to bring the poorer classes of the population into the ministry, and thus to enable the church to strike its roots deeper and deeper into the hearts and affections of the people. Now, as to the remedy proposed by the bill, he was ready to contend that there was a way in which the maintenance of cathedral establishments would give more effectual aid to parochial institutions than they would if the bill were carried out. The ancient doctrine, he believed, was, that the cathedral was the parish church of the whole diocese, and it was considered that a man attended his parish church if he attended divine service in the cathedral. That doctrine then would go to the extent of justifying the Legislature in imposing upon the cathedrals, not merely the care of providing for destitute districts, but the general charge and responsibility of the whole diocese where they possessed patronage and appropriations. A living organ seemed to be wanted in every diocese to watch over the spiritual condition of the population, and to take cognizance of its wants. Not that the whole burthen should be thrown upon the cathedrals; but there would be a great advantage in having an organized body to make known the wants of the population to the State, and if the State refused to do its duty, to private individual And he solemnly believed, that by maintaining the cathedrals, more would be done to maintain an ecclesiastical spirit in the land, and to excite the members of the Church at large to support it, than by any other means whatever independent of the State. The Church of England had wanted for several hundred years a code of ecclesiastical laws; but the code of King Edward 6th, which had never received a final sanction, did distinctly contemplate the duty of the members of cathedral bodies to be to teach, to preach, and to relieve the churches. The original idea was an institution of chapters for the assistance of the Bishops; and connecting that idea with the will of the founders, in its spirit as well as in its letter, he was most firmly persuaded that it would not be difficult for those in possession of the requisite knowledge and information, to form a measure which should at once preserve those institutions in their spirit and effect for the purposes of learning, and of assisting the Bishops, and of strengthening their hands in the government of their dioceses, and, at the same time, of enabling them to obtain a larger amount of contributions for parochial worship than could possibly be obtained under the noble Lord's bill. The founders of these institutions had a great deal more wisdom than some persons were disposed to give them credit for. They did not contemplate immutable institutions; on the contrary, they distinctly provided for making such alterations in their statutes as might be deemed necessary. But, then, if alterations were made they should be made in the spirit of the founders. It was contrary to sound principle, and dangerous in practice, to interfere with sacred bequests, where the purposes of those bequests had not been proved to be mischievous or useless. But he contended, further, that the most proper and useful course was, to act in accordance with the original design of the foundations, to charge them upon the diocesan responsibility, and not to divide their benefits with the kingdom at large. Some hon. Gentlemen would say, "Will you neglect Chester and the West Riding of York? How cruel it is to pass these by, and to direct all your attention to cases of slight destitution compared with them." That was a very plausible argument. But, on looking into the circumstances of each case, it would be found, that no diocese had more resources in this way than were required for its own wants. This had been proved to be the case in respect to Durham, and if of Durham, *à fortiori* of every other diocese. Suppose a parish in Chester contained 20,000 people, and one in Durham 2,000, and both were admitted to be in a state of great destitution. Suppose the cathedral of Durham yielded about 200*l.*, and the question was, to which the money should be applied, he would not hesitate to say, that it ought to be applied to the parish in Durham of 2,000 rather than to the parish of Chester of 20,000. He would explain that by a reference to the authority of Dr. Chalmers, a man whose opinion upon territorial Church establishments was of great value, and who when four years ago a scheme for building churches was set on foot in London, recommended, that, attempts should not be made to cover extensive districts with slight means, but that little divisions should be made, and that these should be first effectually and sufficiently provided for. Thus men's consciences would be operated upon, they would see the necessity there was for greater exertion to meet the amount of spiritual destitution around them. By the other course the consciences of men would be lulled to sleep, for they would be inclined to think that the provision was greater than it really was, and equal to the destitution, because a few churches were scattered over a great deal of ground. There were indications of a disposition to set about this great work in reality. Efforts were made in various parts of the country to relieve the spiritual destitution which prevailed, and the chapters themselves had established collegiate and scholastic institutions to promote religious instruction amongst the people. These exertions might have been much more vigorous and extensive had it not been for this bill, the effect of which was, to suspend ecclesiastical movements and improvements. The petition which he had that night presented to the House from the dean and chapter of Chichester, prayed that even if part of the revenues were sacrificed, still all the stalls, residentiary or non-residentiary, and all the existing dignitaries, might be retained, though without emolument or revenue, so that the duties of those offices might be discharged for the benefit and advantage of the Church. He joined in praying the noble Lord, if he proceeded with his bill, to retain those dignitaries. But from whom did that petition come? From persons who were often spoken of as men who sought nothing else than emoluments and revenues. That petition was signed by the archdeacon and sixty-three clergymen of the archdeaconry of Chichester. Already in that diocese means were taken to render the Church still more efficient, and the supply of religious instruction more abundant. Rural deans had been appointed, and an organisation was going on which would be frustrated if this bill were passed in its present shape. He did not deprecate this bill so much on account of the mischief it would do as on account of the positive good it would intercept. From the architectural beauty and magnificent splendour of the cathedrals might be inferred some idea of the noble spirit of generosity which animated the founders of those institutions, while the chapters were maintained, while even the fabric was preserved, there was some proof that we were not disposed to sacrifice everything to a spirit of false economy. Would it be worthy of a great and wealthy nation like this to destroy those foundations for the purpose of relieving that destitution which it could easily supply from its own resources? The present generation were called upon to carry into effect the designs of those wise and good men who founded these institutions, and it would be a sad thing for the country, as well as for the character of the present generation, if they could not secure the fulfilment of their benevolent and pious wishes.

Lord *J. Russell:* I must ask for the indulgence of the House for a few moments. The hon. Member who made the motion which we are now discussing, having made but a few remarks, I will merely allude to that part of them which bears on the amount of information which has been laid before the House. As so many eloquent speeches have been made, and as the hon. Member for Somersetshire and the hon. Member for Newark have unfolded plans which had not been before explained, I trust that the House will allow me to trouble them with a few observations. Both those hon. Gentlemen have expressed the same objection to my plan, and that was, that it would be an interference with the rights of property, and a diversion of that property from the purposes for which it was originally intended. The hon. Gentleman who has just sat down would permit of the appropriation of cathedral funds according to a plan of his own. Let it be remembered that, with respect to the original intentions of the founders, the doctrines they intended to promote are not our doctrines. We must therefore construe their intentions in the large sense of a desire to promote generally the religious instruction and education of the people. If, therefore, we are to deviate from the original intention which the hon. Gentleman himself admits, let that deviation be with due reference to the changed circumstances in which we are placed, and let us apply these funds, as nearly as we can, in the enlarged spirit of the founders, to provide for the necessities which this change has created. Having disposed of this, which would be an objection, in *limine*, to any deviation, I now come to the consideration of the plan which the hon. Gentlemen opposite wish to substitute for that of the present bill; and I must say that I do not think it an improvement on the one before the House, and which has the high sanction of the Archbishop of Canterbury, the Primate of England, and think that by adopting the plan of the hon. Gentleman we should be forfeiting a real and substantial benefit for a visionary and doubtful good. The hon. Gentleman who spoke last dwelt on the original constitution of the chapters. Doubtless, on their first foundation, they acted as a council to the Bishops, and that missionaries were sent out from them to convert the inhabitants of the neighbouring country to Christianity; but, as soon as they had succeeded in this—as soon as a parochial clergy, endowed by the feudal lords of former days, was established—from that moment these functions ceased. This was the natural course of events, and it would be a weakness merely for the sake of the antiquity of the foundation to endeavour to revive an institution which would be wholly inapplicable to existing circumstances. The hon. Gentleman quoted Lord Bacon to prove, that the chapters acted as a council to the Bishops, but the quotation which he made proved, that the custom had long before fallen into desuetude, for Lord Bacon speaks of it, not as an existing custom, but as one that it might be well to revive. And, were we to attempt to revive such a custom, I am persuaded it would lead to great inconvenience. It is well known that most Bishops now take a decided view of affairs for themselves, and to tie them down to take the counsel of persons, many of whom might not have been appointed by themselves, and in whose judgment they might not have much confidence, would lead to great practical inconvenience. Again, the hon. Gentleman says that these chapters might be made schools of theology; but to establish in every separate cathedral town a school of theology would, I fear, lead to theological and polemical disputes and dissensions highly injurious to the religious interests of the country at large. We have lately seen what polemical discussions have arisen out of our present schools, and we know that a Bishop a few years since refused to ordain a clergyman until he had answered eighty-seven questions; and if he had replied in the way to which he would have been expected to reply in a neighbouring diocese, the bishop would have refused to ordain him. The suggestions of both hon. Gentlemen were innovations; they did not accuse this bill of destroying anything that already existed. The only question before the House, therefore is, as all parties declare some innovation to be necessary, which of the two plans will be most effectual in promoting the object which all have in view? The hon. Gentleman laid some stress on the authority of Archbishop Cranmer; but as the plans of that eminent person, notwithstanding the high influence of his great name and character, had failed, I put it to the hon. Gentleman whether it be not probable that there was something in their very nature which ensured failure. I doubt whether there is sufficient energy in the constitution of the chapters to accomplish any such objects. I now come to the question of that spiritual destitution which both the hon. Gentlemen have adverted to. Now, the constitution of these chapters is various; some of them amount to ten, some twelve, some eight, some six, some four. There is nothing, therefore, in their constitution which points out any particular number as necessary to the service of the cathedral. Such being the circumstances of the old cathedrals, what are the new circumstances in which we are placed? That, by the increase of commerce and manufacture, large towns filled with a dense population, have grown up, to which the Church of England has not sufficiently applied its own organised institutions. That being the real fact, and the Church having means not applied to any very useful purpose, the question is, shall we not take advantage of these funds and apply them to the religious instruction of these masses of population, who, notwithstanding the voluntary exertions of the Church of England and the Dissenters, are still in a state of lamentable spiritual destitution? Now, the hon. Gentleman's proposition was, that the clergy should be sent out from the cathedrals to these large towns. But why should this be the case? What was wanted in such a town as Birmingham, a far more important town now than Lichfield and Worcester, was, a body of parochial clergy, whose time should be fully occupied with their ministration there. Why were such men to be linked with the chapter of either cathedral town? Neither did the chapters in general consider it their duty to attend to the general wants of the diocese, and, indeed, their proposal was, that these funds should be applied in the first place to the augmentation of livings in their own gift, before bestowing any of them in aid of the spiritual wants of those large populous places. If, therefore, the disposal of these funds were to be left to the chapters, the principal deficiency would be wholly unprovided for. Why either should the cathedral of Chester have to provide for Liverpool and Manchester, or that of Peterborough for the town of Leicester? However important these cathedral towns might have been formerly, other towns had grown up to greater importance; and when the hon. Gentleman spoke of the wisdom of those who founded these cathedrals, he forgot that the most material thing on which they exhibited their wisdom was in fixing upon those places in which at that time their exertions would be most available. Instead, therefore, of imagining that we are following our ancestors by endeavouring to keep up some curious piece of antiquity, we shall more effectually follow it by imitating their practical wisdom, and by providing for the pressing wants of the present day, instead of losing the substance in seizing at the shadow. There are two circumstances which I wish to mention before going into Committee. First, in relation to Wales; the peculiarities of the Church in that country are such that I have been induced to exclude from this bill all the clauses relating to Wales, and make them the subject of a separate bill; and next, with relation to a subject which has been mentioned by the right hon. Gentleman opposite (Mr. Goulburn), I have made a representation to her Majesty, who has graciously expressed her intention of founding, from the funds of Ely, the two professorships which had been so much desired. The hon. Gentleman is mistaken in saying that this plan has only the authority of the Archbishop of Canterbury and the Bishop of London. It was carefully attended to and examined by the whole board; and, in my opinion, they have taken a wise course in the proposed application of their revenue to the spiritual wants of the large masses. By so doing they will achieve another great object. By promoting religious education and instruction they will strengthen the bond of all social relations —they will strengthen the attachment of the subject to the Sovereign — and strengthen the attachment of fellow-subjects to each other. By so doing, I believe, you will subserve a great political purpose—not the purpose of any party—but that of maintaining the harmony of the constitution, and enabling the people of this realm to look at political subjects with correct views and calm religious tempers, the greatest security we can obtain or desire. I therefore do think that you cannot do better than devote those funds to the furtherance of religious education according to the plan developed in this bill.

Sir *T. D. Acland* thought the noble Lord had misconceived the object of his hon. Friend. The cathedral revenues were incompetent to provide for the spiritual destitution existing amongst the dense mass of the population, whereas they might be competent to supply the deficiency amongst that population more immediately connected with the cathedrals; but it would not do more, let the Church do all it could. He was glad that the Church should set the example, but, that having been done, let the country supply the deficiency. The difference between those on his side of the House and the noble Lord was only as to the mode of doing what was required. The means which the noble Lord adopted, however, would alter the character of the ecclesiastical institutions of the country, and tend to lower those establishments in the eyes of those for whose direction they were especially constituted.

Mr. *G. Palmer* thought it would be impossible to carry this bill into effect without literally seizing upon the whole of the property of the Church, and, if this was consented to, it was impossible to say how soon they might be called upon to give up their own properties.

The House divided on the original motion—Ayes 117; Noes 48: Majority 69.

List of the Ayes.

Adam, Admiral
Aglionby, H. A.
Archbold, R.
Bailey, J.
Bailey, J. jun.
Baines, E.
Baring, rt. hon. F. T.
Baring, hon. W. B.
Barnard, E. G.
Basset, J.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, W. J.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Burroughes, H. N.
Busfeild, W.
Cavendish, hon. G. H.
Clay, W.
Clements, Viscount
Collier, J.
D'Eyncourt, rt. hn. C. T.
Douglas, Sir C. E.
Dundas, C. W. D.
Dundas, Sir R.
Dundas, D.
Elliot, hon. J. E.
Evans, W.
Fielden, J.
Finch, F.
Fort, J.
Gaskell, J. Milnes
Gordon, R.
Goulburn, rt. hon. H.

Greene, T.
Greenaway, C.
Grey, rt. hon. Sir G.
Harcourt, G. C.
Harland, W. C.
Hawkins, J. H.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hollond, R.
Hoskins, K.
Howard, hn. E. G. G.
Hughes, W. B.
Hurt, F.
Hutt, W.
James, W.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Lemon, Sir C.
Lister, E. C.
Macaulay, rt. hn. T. B.
Marshall, W.
Marsland, T.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Morrison, J.
Muntz, G. F.
Murray, A.
Muskett, G. A.
O'Brien, C.
O'Brien, W. S.
Palmerston, Viscount
Patten, J. W.
Pechell, Captain
Pendarves, E. W. W.
Philips, G. R.
Pigot, D. R.
Protheroe, E.
Rawdon, Col. J. D.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Slaney, R. A.
Smith, B.
Smith, R. V.
Stanley, E.
Stansfield, W. R. C.
Stock, Dr.
Talbot, C. R. M.
Tancred, H. W.
Thompson, Mr. Ald.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, W.
Verner, Colonel
Verney, Sir H.
Vigors, N. A.
Wakley, T.
White, A.
Wilbraham, G.
Williams, W.
Wilshere, W.
Winnington, Sir T. E.
Wood, G. W.
Wood, Colonel T.
Wood, B.
Worsley, Lord

TELLERS.
Stanley, E. J.
Parker, J.

List of the Noes.

Acland, Sir T. D.
Bell, M.
Bruges, W. H. L
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C.
Colquhoun, J. C.
Compton, H. C.
Courtenay, P.
Dalrymple, Sir A.
Darby, G.
Dottin, A. R.
Duffield, T.
Dungannon, Viscount
East, J. B.
Egerton, W. T.
Eliot, Lord
Estcourt, T.
Feilden, W.
Fellowes, E.
Follett, Sir W.
Freshfield, J. W.
Gladstone, W. E.
Glynne, Sir S. R.
Hope, G. W.
Inglis, Sir R. H.
Liddell, hon. H. T.
Long, W.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Maunsell, T. P.
Milnes, R. M.
Mordaunt, Sir J.
Palmer, R.
Palmer, G.
Rae, rt. hon. Sir W.
Richards, R.
Rushbrooke, Colonel
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smith, A.
Sotheron, T. E.
Teignmouth, Lord
Tyrell, Sir J. T.
Williams, W.

TELLERS.
Pusey, P.
Acland, Sir T. D.

House in Committee.

On the 4th clause being put,

Mr. *Liddell* proposed that five canonries should be allowed to the cathedral of Durham instead of four, for the purpose of providing for the archdeaconry of Northumberland, which had no provision.

Mr. *Lambton* said the great object was to apply as much of those funds as possible to the spiritual instruction of the people. He trusted the noble Lord below him (Lord John Russell) would not agree to the proposition of the hon. Member opposite.

Viscount *Dungannon* was in favour of the amendment of the hon. Member.

The Committee divided on the original question—Ayes 83; Noes 40: Majority 3.

List of the Ayes.

Adam, Admiral
Aglionby, H. A.
Archbold, R.
Baines, E.
Baring, rt. hon. F. T.
Baring, hon. W. B.
Basset, J.
Berkeley, hon. C.
Blake, W. J.
Bowes, J.
Bridgeman, H.
Brotherton, J.
Buller, C.
Busfeild, W.
Cavendish, hon. G. H.
Clay, W.
Clements, Viscount
Cowper, hon. W. F.
D'Eyncourt, rt. hn. C. T.
Dundas, Sir R.
Dundas, D.
Evans, W.
Fort, J.
Gordon, R.
Goulburn, rt. hon. H.
Greene, T.
Grey, rt. hon. Sir G.
Harland, W. C.
Heathcoat, J.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, hn. E. G. G.
Hughes, W. B.
James, W.
Jervis, J.
Knatchbull, right hon. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Lemon, Sir C.
Lister, E. C.
Macaulay, rt. hn. T. B.
Marshall, W.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Muskett, G. A.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
Parker, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, G. R.
Pigot, D. R.
Rawdon, Col. J. D.
Redington, T. N.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Smith, R. V.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stock, Dr.
Talbot, C. R. M.
Teignmouth, Lord
Thornely, T.
Troubridge, Sir E. T.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Vivian, J. H.
Wakley, T.
White, A.
Williams, W.

Wilshere, W.
Wood, G. W.
Wood, B.
Worsley, Lord

TELLERS.
Lambton H.
Tuffnell, H.

List of the Noes.

Acland, Sir T. D.
Acland, T. D.
Bell, M.
Blackburne, I.
Blackett, C.
Blackstone, W. S.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C.
Compton, H. C.
Courtenay, P.
Darby, G.
Duffield, T.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Eliot Lord,
Estcourt, T.
Follett, Sir W.
Freshfield, J. W.
Glynne, Sir S. R.
Herbert, hon. S.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hurt, F.
Inglis, Sir R. H.
Jackson, Mr. Sergeant
Lincoln, Earl of
Lowther, J. H.
Mackenzie, W. F.
Mordaunt, Sir J.
Palmer, R.
Rushbrooke, Colonel
Shaw, rt. hon. F.
Shirley, E. J.
Sibthorp, Colonel
Sotheron, T. E.

TELLERS.
Liddell, hon. H. T.
Dungannon, Viscount

Clause agreed to.

On Clause five,

Lord *J. Russell* stated that he intended to introduce a separate clause respecting Winchester, as it was his desire to annex an archdeaconry of Surrey to a stall at Winchester.

Viscount *Dungannon* then moved as an amendment, that six canonries should be given to Canterbury instead of four, as provided by the clause.

The Committee divided on the original question—Ayes 75; Noes 27: Majority 48.

On the 6th Clause

Sir *W. Follett* moved that Exeter be omitted from the bill.

Sir *C. Lemon* trusted that his noble Friend would accede to the suggestion of the hon. and learned Member for Exeter.

The Committee divided on the question that the clause stand part of the bill—Ayes 57; Noes 34: Majority 23.

List of the Ayes.

Adam, Admiral
Aglionby, H. A.
Baines, E.
Baring, right hon. F.
Berkeley, hon. C.
Bowes, J.
Brotherton, J.
Busfeild, W.
Cavendish, hon. G. H.
Clay, W.
Clements, Viscount
Dundas, Sir R.
Dundas, D.
Evans, W.
Finch, F.
Gordon, R.
Greene, T.
Grey, rt. hon. Sir G.
Harland, W. C.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, hn. E. G. G.
Hutt, W.
James, W.
Jervis, J.
Knight, H. G.
Labouchere, rt. hon. H.
Lambton, H.
Lister, E. C.
Macaulay, rt. hn. T. B.
Marshall, W.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
O'Brien, C.
Parker, J.
Pechell, Captain
Redington, T. N.
Rundle, J.
Russell, Lord J.
Smith, R. V.
Stansfield, W. R.
Stock, Dr.
Talbot, C. R. M.
Thornely, T.
Tuffnell, H.
Vigors, N. A.
Vivian, J. H.
Wakley, T.
Warburton, H.
Williams, W.
Wilshere, W.
Wood, G. W.
Wood, B.
Worsley, Lord

TELLERS.
Stanley, E. J.
Verney, Sir H.

List of the Noes.

Acland, Sir T. D.
Basset, J.
Bruce, C. L. C.
Bruges, W. H.
Buck, L. W.
Buller, Sir J. Y.
Compton, H. C.
Courtenay, P.
Darby, G.
Dungannon, Viscount
East, J. B.
Egerton, W. T.
Eliot, Lord
Estcourt, T.
Freshfield, J. W.
Glynn, Sir S. R.
Goulburn, rt. hn. H.
Herbert, hon. S.
Hodgson, R.
Hope, G. W.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Jackson, Mr. Sergeant
Lemon, Sir C.
Liddell, hon. H. T.
Lincoln, Earl of
Mackenzie, W. F.
Palmer, R.
Pendarves, E. W. W.
Rushbrooke, Colonel
Sibthorp, Colonel
Sotheron, T. E.
Teignmouth, Lord

TELLERS.
Acland, Sir T. D.
Follett, Sir W.

House resumed.—Committee to sit again.

HOUSE OF LORDS,

Tuesday, June 30, 1840.

Minutes.] Bills. Read a second time:—Sugar Duties; Glass Duties; Police Rates Assessment.

Petitions presented. By the Earl of Errol, from Aberdeen, in favour of the Church of Scotland Benefices Bill.—By the Bishop of Llandaff, from the Clergy of Llandaff, for Church Extension.—By the Earl of Gosford, from the Roman Catholic Bishop and Clergy of the district of Montreal, against the Union of the two Canadas.

Church of Scotland. Non-Intrusion.] The Marquess of *Breadalbane* said, he rose to present a petition relative to the bill then before their Lordships, having relation to the Church of Scotland. He begged leave to call their Lordships' attention particularly to this petition, not only on account of the extraordinary interest which the subject had excited in Scotland, but also with reference to its own intrinsic merits. The prayer of the petition was, that the parties concerned might be heard at the bar of the House on points respecting the Church of Scotland Benefices Bill, and the petitioners, who represented the general assembly, were directed by every legal means in their power, to obstruct the measure in its passage through the Legislature in its present shape and form. The petitioners were deputed by the general assembly to watch this bill; and they now came forward with this petition, in order that the Church of Scotland might have an opportunity of being heard at their Lordships' bar before their Lordships agreed to this measure. The General Assembly wished that the principles on which the Church proceeded, should be fully and fairly unfolded, in order that their Lordships might see how far its principle and constitution were injuriously affected by the bill of the noble Earl opposite. He thought that their Lordships would hardly refrain from agreeing to the prayer of this petition, being as he conceived, a proceeding not only of expediency but of justice. He believed, that with respect to hearing counsel at the bar, their Lordships did not act on any very strict rules or principles? but, judging from particular cases, it appeared to him that their Lordships would rather throw their doors open, when petitioners wished to be heard, than wholly or even partially close them. On this point it was scarcely necessary for him to remind their Lordships, that they heard counsel on the English Corporation Bill, that they heard counsel against the Irish Corporation Bill, that they even heard counsel with respect to private and particular interests connected with those bills. And if further precedents were necessary, he could cite that of the Church of Scotland itself, which was heard by counsel at their Lordships' bar against a bill affecting the interests of the Church, which was introduced into their Lordships' House in the year 1712, in the reign of Queen Anne. That, in his opinion, was a case in point, and therefore, he felt that it would be at once unnecessary and injudicious for him to take up more of their Lordships' time. He hoped, however, that their Lordships would permit him to perform the duty which he had imposed upon himself, that of reading the petition at length. The noble Marquess accordingly read the petition, which was from the Convener, the Secretary, and other members of a committee appointed by the late General Assembly of the Church of Scotland to watch over the progress of a bill recently introduced into your Lordships' House, entitled 'an Act to remove doubts respecting the admission of Ministers into benefices in that part of the United Kingdom, called Scotland,' or any bill relative to that subject, and which prayed that the bill might not pass into a law, and that they might be heard by counsel at the bar against it.

The Earl of *Aberdeen* said, he would now take the liberty of stating, that it was his intention to move, that the House should go into Committee on this bill on the day after to-morrow. As to what might be the pleasure of their Lordships, and how far it was consistent with the orders of their Lordships' House to hear counsel on a bill of this nature, and in this stage he would leave it to their Lordships to determine. In all the cases mentioned by the noble Marquess, when counsel were heard, the bills were in another stage. But he confessed, that, notwithstanding, he was very anxious that that these petitioners should be heard by counsel; because he wished their Lordships to hear those who spoke the sentiments of the prominent part of the General Assembly state distinctly what their real pretensions were, and what they really expected to be done? As to the petition itself, a great part of it was against the law of patronage, established by the Act of Queen Anne in 1712—and the complaint connected with that, was, in fact, at the bottom of the whole of these proceedings. The rest of the petition was against the judgment of their Lordships' House, declaring and establishing that law. The bill introduced by him was objected to, because it fully recognized the judgment of that House, as declaring unequivocally, the law of the land on this subject. He wished to hear counsel on this question, because pretensions were put forward, which he was sure, unless their Lordships heard the parties at the bar, they never would hear advanced in that House. He, for one, was anxious, therefore, that the prayer of the petition should be complied with. He could desire no better recommendation for the bill then before their Lordships' House than the arguments and objections urged by these parties against it. Therefore, if it were consistent with the order of their

Lordships' proceedings to hear counsel, or if their Lordships were called on to decide whether the petitioners should be heard by counsel or not, he would be the last man to offer any opposition to their being so heard. If, however, in this case, the application of the petitioners were complied with, he doubted whether hereafter they could ever refuse to hear any petitioners against any bill whatsoever, and in any stage of any bill. As to the bill of queen Anne, to which the petitioners referred, it was calculated to alter the system of the Church, as the rights of parties were affected in a very great degree; but the present bill repealed no law, interfered with no law, and meddled with the ascertained rights of no parties. Therefore it was of a very different description from the other measure. Those gentlemen who called themselves a deputation of the committee of the General Assembly were, no doubt, all very respectable individuals, and no doubt, had a claim to be heard before their Lordships. But it should be observed that they were persons named and appointed by the General Assembly (who had not themselves petitioned the House) to watch the progress of this measure, and as their Lordships had been informed, to obstruct it by all the means in their power. They had thought proper, after the bill was read a second time, to present a petition to be heard by counsel against the bill, and he (the Earl of Aberdeen), for one, should certainly not object to it.

Lord *Brougham* entirely concurred with his noble Friend opposite in hoping that it might be possible for the petitioners, consistently with the forms of the House, to be heard at their Lordships' bar, and his reason for wishing it, was the same as that of his noble Friend—that he was confident the more they were heard, and the greater opportunity there was given for bringing forward their opinions, wishes, feelings, and intentions, the stronger would be the impression, if any thing could strengthen the impression now existing both in that House and the country at large, of the conduct—he would use no harsher epithet—of those whom the petitioners professed to represent. He hoped and trusted, that during the period of the residence of the deputation in London, the persons with whom they were in communication, would have the honesty and the good sense to tell them how little, how very little, support or countenance, in any respectable quarter here, either in that House or in the other House, or in the country, those who had been the authors of proceedings which all deplored—he would not say, which all disapproved—were likely to obtain.

The Marquess of *Breadalbane* would only allude to one of the observations of the noble Earl opposite, in which he said, that the gentlemen who had united in this petition were to be considered only as private individuals. He could not but think that their Lordships should consider them as representing the Church of Scotland. The noble Earl knew, that the General Assembly had by a large majority, come to a decision directly at variance with the principles and details of his bill, and that this committee was deputed by the General Assembly to watch over the progress of the bill, and take measures to oppose it. He was sorry to hear the noble Earl assume, that those gentlemen who had been appointed by the majority of the General Assembly, were not to be considered by the House as representing the Church of Scotland, but merely as unauthorized individuals. As to the remark of the noble and learned Lord below, concerning the support which the Church of Scotland would find in that House, he could only say, that whether or not it might be supported by any great portion of the inhabitants of this division of the empire, it would be supported by the people of Scotland.

Lord *Brougham* could only say, in answer to what his noble Friend had just declared, that he neither hoped nor believed, that the General Assembly would be supported in its present proceedings by the people of that country.

The Earl of *Camperdown* did not believe, that the General Assembly would be supported in its present course by the people of Scotland. He knew that a great number of petitions on this subject had been got up, but he believed they had been got up under the influence of those very persons who wished to bring counsel to their Lordships' bar to be heard against the bill. He so entirely coincided with the noble Earl opposite, in what he had said, that he would not attempt to weaken the force of his remarks by adding to them.

Petition laid on the table.

GOVERNMENT OF CANADA.] Viscount *Melbourne* said, it now became his duty to recommend to their Lordships' calm and impartial consideration, a bill which had been sent up from the other House of Parliament, entitled "An Act to re-unite the Colonies of Upper and Lower Canada, and for the government of Canada." This bill came to their Lordships, recommended by the assent of the Special Council of Lower Canada, of the Legislative Council of Upper Canada, of the Legislative Assembly of Upper Canada, by the opinion of those who had lately exercised her Majesty's authority in those provinces, by the authority of Lord Durham and the present Governor-General, and by the petitions which had been presented to their Lordships from very many of her Majesty's subjects inhabiting those colonies. It also came to their Lordships, recommended by the approval of the other House of Parliament, where, although it did not pass entirely without objection or remonstrance, yet it passed with so little of either, that he thought he was entitled to say, that it had received, if not the unanimous, certainly the general approbation of that assembly. It was on these grounds, and with this justification, that the bill was now submitted to the consideration of their Lordships. He would be trifling with their Lordships if he were to waste a single word in pressing on their Lordships' attention the great importance of this measure. Its importance spoke for itself, it involved the commercial interests of many of their Lordships' fellow-subjects in that part of the world to which it related; it involved the character and reputation of the Legislature, and what was, if possible, more serious still, the future well-being and prosperity of those great colonies, and the happiness of that large and increasing population which Divine Providence had placed under our care, and committed to our superintendence. Under these circumstances he was sure it was unnecessary for him to say a single word with respect to the paramount magnitude and importance of the measure which their Lordships had now to consider. A remarkable spectacle was certainly presented when we looked back upon the course of the history of this country with respect to its foreign and colonial dependencies. Ever since this country, said the noble Viscount, has been ranked amongst civilised nations, ever since it has been united under one monarch, its natives have spread themselves far beyond their own limits, and either from accident or from the spirit of enterprise which has animated them, have possessed themselves of large external territories and provinces. "About the year 1450 terminated that great struggle which had been so long carried on for no less a prize than the crown of France, and by the disastrous close of that series of wars this country lost those extensive provinces which had come under its dominion, either from the accident of their belonging to those who became our sovereigns, or from acquisition by marriage or by conquest. Those possessions were then lost, but not long after, and before the conclusion of that century, the discovery of the continent which is significantly and not inappropriately termed the new world, opened a new scene to the energy and activity of this nation, which was soon improved by it. At various times, and in various modes, were founded those great settlements which we possessed in North America, and which were severed from the dominion of this country about fifty years ago, and yet while that severance was taking place, there was growing up in another quarter of the globe, in the great peninsula of Asia, a vast and mighty empire, which rose into existence, and was fostered under strange and extraordinary circumstances, and still remains under the sway of Britain. This, my Lords, is unquestionably a most remarkable, a most elevating, a most splendid scene. Whether it were decreed by the inscrutable will of Divine Providence that those great territories in North America should be severed from us, it is not for me to discuss, but I am willing to remind your Lordships, that the principal reason why the severance was occasioned, the principal reason why you lost both France and America, was not the energy of the enemy with whom you had to contend, but your own internal discords and dissentions which unquestionably facilitated the course that events then seemed inclined to take. And therefore, my Lords, I beg most earnestly to recommend the present state of Canada, and this bill, which has been brought in to remedy the evils arising from it, to your calm, to your attentive, to your deliberate, to your impartial, to your generous, and to your patriotic consideration." He thought it was unnecessary, the noble Viscount continued, to recapitulate all the various events which had led to the position in which England now stood, relatively to those colonies which the bill was intended to unite. It was unnecessary for him either to give a description of the territories, or to enter into the history of the country, it was equally unnecessary to recapitulate the manner in which these countries were acquired, the first measures that had been taken for establishing a government in them, the Acts of 1774 and 1791, the fidelity of the colonists during the two great crises of the American contests, or to relate how, unfortunately, in later times, a spirit of alienation had sprung up among them, occasioning various contests between the governors and the legislatures, which terminated at last in that outbreak and insurrection which induced their Lordships to pass that act which became law in the year 1838, suspending the constitutional act of 1791, and establishing in Lower Canada a government by the authority of the governor and a special council. These subjects had been so much discussed, and were so fully stated in the papers which were before their Lordships, to which their attention had been repeatedly and forcibly called, that they must be perfectly well aware of the nature of the position in which these countries now stood. It had been admitted by all parties, that the act of 1838 was nothing but a temporary provisional article of legislation. In its own nature it was nothing else, and it was necessarily the duty of those who exercised the Government both in those colonies and in the mother country to consider of the speediest means of putting an end to the state of things thus established. Ministers had been accused of great tardiness in not having done that before, and it seemed to be generally admitted, that it was absolutely incumbent on them to provide another mode of administering the Government. That was the position of the question, and it was to provide for the free and wise government of those countries that the bill had been sent up to their Lordships, of which he would now beg leave to state the provisions. It empowered her Majesty to authorise the governor of Lower Canada to declare the re-union of those provinces, which had been separated by the exercise of his Majesty's prerogative in the year 1791, which separation, with all the provisions consequent upon it, was sanctioned by the act of that year. It repealed so much of the Act of 1791 as carried into effect the separation of the provinces, and provided that such repeal should not apply to any of the acts formerly passed by the colonial legislatures, and that the government should be carried on till the union was declared. It provided, that the government should be administered hereafter by one Legislative Council, and one House of Assembly, leaving the constitution of the Legislative Council, with the exception of giving the power of resignation to the members, exactly as it stood at present. It enabled her Majesty to appoint a number of councillors, not less than twenty, to retain their offices for life, subject to forfeiture in case of the commission of a crime, in case of absence from the province, and other circumstances enumerated in the bill. It then proceeded to make such regulations as were necessary for appointing the Speaker and conducting the business of the legislature. It enacted, that in the Legislative Assembly of the province of Canada the parts of the said province shall, subject to the provisions thereinafter contained, be represented by an equal number of representatives elected from places and in the manner provided in the bill. The whole number at first recommended was seventy-six, that afterwards proposed in the House of Commons was seventy-eight; and eighty-four was the number fixed by the bill as it now stood —forty-two for the one province, and forty-two for the other. The representation was to be based as nearly as possible upon the present division of the colonies, with no more alteration than was absolutely necessary to carry into effect some of the new arrangements for the election of representatives. The boundaries of the cities and towns were to be settled hereafter by the Governor; and a power, very necessary in a country which was still in a great measure unsettled, was given to the Legislative Council to alter those provisions hereafter. The bill left the election laws of the provinces very much the same as at present. The qualification for voting was left untouched, but the bill demanded of those who were to be elected to the Legislative Assembly that they should be possessed of a qualification amounting in value to 500*l.* The place and time of holding Parliaments was left to the discretion of the Crown; the session was to be held every year, and the Legislative Assembly was to be chosen for four years. With respect to the allowance or disallowance of bills, that matter, he apprehended, was left pretty much as it stood at present. A power was given to the Governor, very necessary in a country which was of such great extent, to appoint one or more deputy-governors, who should exercise their authority in those parts of the country in which they were responsible. The proceedings of the legislature, both in the Legislative Council and in the House of Assembly, were hereafter to be conducted in the English language. Colonial taxation would continue very much in the same state as at present; the revenue of the two provinces was to be alike; taxes were to be alike. A permanent provision was to be made for the officers of Government and of law, and a civil list was fixed, determinable five years after the demise of the Crown. The hereditary rights and revenues of the Crown would be surrendered in return for this civil list. With respect to any surplus revenue that might remain after the discharge of the civil list, it was to be appropriated to the establishments of the provinces subject to this most important rule, which he understood had never hitherto been observed in any provincial assembly, that no money grant was to be originated except on the distinct recommendation and proposal of the Crown. He trusted he had stated the provisions of the bill in such a way as to be intelligible. There were often questions of detail which had an effect and bearing so important on the working of a measure, as to cause a difference of opinion which might not otherwise have existed as to the principle, but he apprehended that there were none of such importance in the present bill. The main principle of the bill, and that which their Lordships would have to determine on the present occasion, was, that there should be a reunion of the two provinces. There were, however, some points which, considering their great importance, it might be necessary that he should bring under their Lordships' consideration before he touched on the principle of the measure. And first as to the constitution of the Legislative Council. Their Lordships were well aware that this Legislative Council had been a subject of discussion with respect to this colony for many years past—that it had been for a long time a great bone of contention—and that it had been a matter on which every kind of observation had been made, and which had proved the source of much discontent. Their Lordships would perhaps hear with surprise that all these discussions had terminated in a recommendation that this Legislative Council should be retained on the same footing on which it existed at present. It appeared to him that this decision had been come to on very sound and forcible grounds. He would not enter at present into the general discussion on this subject; he would only say, that it had attracted great attention in the year 1791, when the general principles of government were much discussed in all parts of Europe, under circumstances which warmed the feelings and excited the passions, and influenced the opinions of all men. He was of opinion, that the government of a free community by one assembly was a matter almost impossible—at any rate it must be subject to great inconveniences, if not to great dangers; and if you were to have a popular government at all, he thought that you must have two houses of assembly, constituted in different ways and upon different principles, one of them not being subject to that popular control which he admitted to be useful to the other, and to be the spring of all good government. On these general grounds, he thought that those had come to a sound conclusion who had recommended the continuance of the Legislative Council in its present shape and form. It was impossible to read the report of Lord Durham, which, whatever opinion might be entertained as to some parts of it, must be admitted to be a very able and impartial view of the matter he was sent out to consider, and to state many truths respecting the condition of the Canadas in a very useful and powerful manner,—it was impossible, he repeated, to read the report of Lord Durham without being struck with the justness of his conclusions on this subject. What was it, then, that Lord Durham had said on the subject of the Legislative Council?—

> "I am far from concurring in the censure which the Assembly and its advocates have attempted to cast on the acts of the Legislative Council. I have no hesitation in saying, that many of the bills which it is most severely

blamed for rejecting, were bills which it could not have passed without a dereliction of its duty to the constitution, the connexion with Great Britain, and the whole English population of the colony. If there is any censure to be passed on its general conduct, it is for having confined itself to the merely negative and defensive duties of a legislative body, for having too frequently contented itself with merely defeating objectionable methods of obtaining desirable ends, without completing its duty by proposing measures which would have achieved the good in view without the mixture of evil. The national animosities which pervaded the legislation of the Assembly, and its thorough want of legislative skill or respect for constitutional principles, rendered almost all its bills obnoxious to the objections made by the Legislative Council; and the serious evil which their enactment would have occasioned convinces me that the colony has reason to congratulate itself on the existence of an institution which possessed and used the power of stopping a course of legislation, that if successful, would have sacrificed every British interest, and overthrown every guarantee of order and national liberty. It is not difficult for us to judge thus calmly of the respective merits of these distant parties: but it must have been a great and deep-rooted respect for the constitution and composition of the Legislative Council that could have induced the representatives of a great majority to submit with patience to the impediment thus placed in their way by a few individuals."

Considering the feelings of Lord Durham and of those by whom his Lordship was followed on political subjects, he deemed the testimony thus borne to be strong testimony to the conduct and utility of this Assembly, and therefore hoping that the defects which existed, if any did exist, in the former constitution of the Legislative Council, and which impaired its authority, would be removed, he should contend before their Lordships, that it would be wise and prudent for them to continue the existence of the Legislative Council in these colonies. The future constitution of the House of Assembly he had already described to their Lordships. It might, and no doubt would, be observed, that they were giving an equal share of representation to a country the population of which was much smaller than that of the country to which it was about to be united. But the population of the upper province was not only continually on the increase, but was also a more opulent and energetic population. It was also impossible to frame a representative system entirely on the basis of population, and, therefore, there were no grounds for objecting to the mode in which it was proposed to constitute the House of Assembly for the united provinces. With respect to the proposition for consolidating the debt of the two provinces, he must say, that the willingness with which it had been acceded to by both the provinces, was a strong proof of the desire which they both entertained for the accomplishment of the union. Those who in Lower Canada had expressed their readiness to consent to it, took upon themselves a higher amount of debt than their share, and submitted themselves to a considerable pecuniary burden for the sake of the union. These were the principal points on which he wished to call the attention of their Lordships in the provisions of this bill. The main point, however, for their consideration was, whether it was wise, prudent, and expedient, to join these two provinces into one, and, to establish in them one central government. With respect to the authorities, he had only to observe, that Lord Durham had given his opinion very strongly in favour of the union of the two provinces. The opinion of Lord Durham went still further, for he recommended the union of all the British provinces in North America. That question their Lordships were not prepared to discuss that moment, and, therefore, it was unnecessary to dwell on it. A noble Lord whom he had then the pleasure of seeing seated on the cross bench, and who had administered the affairs of these provinces with the greatest prudence and energy, for which the country owed him an immense debt of obligation—that noble Lord, he knew, had given an opinion not much in favour of this measure. Yet, the authority of that noble Lord, as to the feelings of the inhabitants of both the Canadas on the subject of an union between them would be of great weight, he was sure, with their Lordships. That noble Lord (Lord Seaton, lately Sir John Colborne), in one of his dispatches had said—

"It is my intention to appoint ten additional members to the Special Council; and there is every reason to believe, that if the proposed increased number can be selected from the most influential persons in each district, the Special Council will be enabled to pass many important measures, which will afford general satisfaction, and be conducive to the welfare and future tranquillity of Lower Canada, with reference to the prospect of its union with the upper province. It is evidently desired by the British portion of the population, that the union of the provinces should not be delayed. The French Canadians, who were strongly opposed to this change last year, are certainly by no means so adverse to it as they were; their opinion, probably, has been much influenced by the late insurrectionary movements. The Canadian party connected with the revolutionists express themselves decidedly favourable to the scheme of the union. In the upper province public opinion is much divided upon the subject; but I am persuaded most of the districts are looking forward to the union as a measure which will relieve them from their embarrassments, and prevent any interruption to their commercial undertakings."

In a despatch, dated the 19th of August in the same year, the noble Lord had expressed a similar opinion—

"I still entertain no doubt that in the upper province the districts to the eastward of the river Trent and bay of Quinté are strongly in favour of measures being adopted for reuniting Upper and Lower Canada, and that the majority of the settlers to the westward of the midland district concur with them, although there are many of them altogether opposed to the project. In the lower province, I have already stated, that the population of British origin earnestly desire the union, and that the Canadian French population are not so adverse to the measure as they formerly were."

An opinion stronger than this as to the feelings of the people of the two Canadas on the subject of an union between them could not be quoted. He thought that their Lordships would agree with him that this opinion was of importance; for he readily admitted, that were this union repugnant to the feelings of the inhabitants of the Canadas, it would be most unwise to force it upon them. The present Governor-general, Mr. Thomson, went out with an opinion already formed in favour of the union, as he had been a Member of the Government which had recommended it. That opinion had since been confirmed by the feelings which he found prevailing there. He therefore said that the authority of those who had the best means of considering the subject were very strong in favour of this measure. He knew well that many objections might be urged against it. He knew, that it might be said, that it was a large measure, and that it was unsuitable to the condition of the country. "Here," it might be said, "is a country more than 1,000 miles long where all the chief positions are at a distance from each other, and that alone is unfavourable to an union between them." It might also be said, "Here are two countries, each speaking a different language, and professing a different religion, and the union of two such countries has never hitherto been successful." Now, there were reasons to which he would not further allude in the present state of the two provinces, which completely overbalanced the principle contained in these two arguments and there was one great leading feature which made it advisable that the two provinces should be united together, namely their geographical position, and their situation along the banks of that great river which disembogued and emptied its world of waters into the great Atlantic ocean. The river St. Lawrence was the great point of union between these two provinces. There was an absolute necessity that Upper Canada should not be debarred from access to the sea. There was also a necessity that the tolls on the river St. Lawrence should be levied by one and the same authority. These were always matters difficult of arrangement when the mouth of a river was in the possession of one nation, and its internal navigation in the possession of another; and it appeared to him that that consideration was in itself a very strong reason in support of the measure which had been introduced by her Majesty's Government. He thought that the various reasons in support of this union had been well summed up in the luminous and powerful document from which he had already quoted some extracts:—

"The union of the two provinces would secure to Upper Canada the present great objects of its desire. All disputes as to the division or amount of the revenue would cease. The surplus revenue of Lower Canada would supply the deficiency of that part of the upper province; and the province, thus placed beyond the possibility of locally jobbing the surplus revenue, which it cannot reduce, would, I think, gain as much by the arrangement as the province which would thus find a means of paying the interest of its debt. Indeed, it would be by no means unjust to place this burden on Lower Canada, inasmuch as the great public works for which the debt was contracted are as much the concern of one province as of the other. Nor is it to be supposed, that whatever may have been the mismanagement, in which a great part of the debt originated, the canals of Upper Canada will always be a source of loss, instead of profit. The completion of the projected and necessary line of public works would be promoted by such an union. The access to the sea would be secured to Upper Canada. The saving of public money, which would be insured by the union of various establishments in the two provinces would supply the means of conducting the general Government on a more efficient scale than it has yet been carried on; and the responsibility of the Executive would be secured by the increased weight which the representative body of the united province would bring to bear on the Imperial Government and Legislature."

That passage stated very clearly and forcibly the reasons why this union would be a wise and expedient measure. But whether this union, abstractedly considered, would with a country which had yet to be settled, be the wisest and the most expedient that could be devised, was scarcely worth discussion, for circumstances were sometimes more powerful than reasons, opinions, theories, and systems. Circumstances might compel statesmen to adopt some measures, which, though not the best, abstractedly, were still the best under their influence and cogency. He, therefore, called upon their Lordships to consider what course was the best to take under the pressure of existing circumstances. The state of feeling in these provinces had been well described in a despatch addressed to Lord John Russell from the Governor-general of Canada, dated the 18th of November, 1839:—

"All parties look with extreme dissatisfaction at the present state of government. Those of British origin, attached by feeling and education to a constitutional form of Government, although they acquiesced at the time in the establishment of arbitrary power as a refuge from a yet worse despotism, submit with impatience to its continuance, and regret the loss, through no fault of their own, of what they consider as their birthright. Those of the French Canadians who remained loyal to their Sovereign, and true to British connection share the same feelings. Whilst among those who are less well affected or more easily deceived, the suspension of all constitutional rights affords to reckless and unprincipled agitators a constant topic of excitement. All parties, therefore, without exception, demand a change. On the nature of that change there exists undoubtedly some difference of opinion. In a country so lately convulsed, and where passions are still so much excited, extreme opinions cannot but exist, and accordingly while some persons advocate an immediate return to the former constitution of this province, others propose either the entire exclusion from political privileges of all of French origin, or the partial dismemberment of the province, with the view of conferring on one portion a representative system, while maintaining in the other a despotism. I have observed, however, that the advocates of these widely different opinions have generally admitted them to be their aspirations rather than measures which could practically be adopted, and have been unable to suggest any course, except the union, by which that at which they aim—namely, constitutional government for themselves—could be permanently and safely established."

He implored their Lorships to look at the state of the province of Lower Canada. The British population, it appeared, were fearing the restoration of the constitution of 1791. The French Canadians were hoping for it. Under such circumstances, could there be peace, or anything like peace, in that province? Could they expect things to settle down into tranquillity when such feelings were prevalent? Could their Lordships restore the constitution of 1791? He was sure that they would unanimously answer "No." Their Lordships, then, could not remain as they now were with respect to the province of Lower Canada. Could they remain as they now were in reference to the province of Upper Canada? Could they remain as they now were in reference to this, their own country? Was there not impatience in the House of Commons? Was there not impatience even among their Lordships? It was not long since they had passed a bill suspending the constitution of Lower Canada, but they showed at the same time what their feelings were, by clogging that bill with numerous restrictions, which rendered it quite ineffectual for the purposes for which it was framed. He thought at the time, that those restrictions were the most absurd that could be invented, because, if Parliament were prepared to pass that bill at all, it ought to have passed it with the necessary powers. His opinion on that point might be worth nothing; but of this he was certain, that neither Parliament, nor the country, would be satisfied with the continuance of the present state of affairs in Canada. He doubted whether they could continue the law suspending the constitution of Lower Canada, supposing that they should be of opinion that it would be wise and expedient to continue the suspension. Then the only course left to their Lordships was, to accede to the proposition which was now made by her Majesty's Government, which was assented to in both the provinces, and which was, unquestionably, agreeable to the English majority of those provinces. It was on these grounds that the course proposed for adoption was in itself wise and good—that it was not liable to great objection—and that it was the only course which could be taken to settle a question which imperiously pressed for settlement —it was on these grounds, he repeated, that he now called upon their Lordships to take this bill into consideration, and if they adopted it, he trusted that it would lay the foundation for a wise an enlightened, a liberal, and a free government in those provinces.

The Duke of *Wellington* said, that having had referred to his judgment the question of the defence of these provinces, and having been of necessity engaged in the consideration of their constitution, their resources, their acts, and their proceedings, and having the highest regard for the people which inhabited them, and the sincerest wish to secure for them a permanent union with this country, and feeling how important that union was, to the power, the influence, and the prosperity of the British empire, he felt most anxious upon this measure, and he therefore intreated their Lordships to give him their attention for a few minutes. He would first make a few observations as to the last point in the address of the noble Viscount, where he stated that it was absolutely necessary that they should come to a decision upon this question, and finally settle the government of these provinces. Now, this was exactly the point upon which he differed with the noble Lord opposite. In his opinion, the time was not come at which they could with safety make that settlement. He felt quite sure that they had not got the better of the temper which had occasioned the insurrection in these provinces, nor of the desire to encourage it in a neighbouring country. His wish, therefore, was, to entreat the noble Viscount to take full time to consider this important question before he hurried it through Parliament. Indeed, he felt quite sure, that the bill would require some considerable alterations in the Committee of their Lordships' House. He thought that they would require to summon the Legislature of Upper Canada again; and he felt convinced that they would find, before the Session was over, that they must take it on their own responsibility, to suspend this measure to some future period. He felt the greatest anxiety upon this subject He knew that he had the misfortune to differ upon this subject from many in that House, and in other places, for whose judgment he entertained the highest respect; but he had observed in this country, for some length of time, a growing desire to get rid of their North American dominions—a desire that they should become republics. This desire prevailed amongst a very large party in this country. He was aware that there were also others, for whom he entertained the highest respect, who felt a desire that the separation should take place, tranquilly if possible, but that, at all events, it should take place. In his opinion, these Gentlemen were mistaken. It was his decided opinion that, considering the resources and the power of these colonies, this country would sustain a loss indeed, if they separated from her. For this reason, he implored the noble Lords opposite, not to adopt this arrangement, if they were not quite certain—which he was sure they could not be—that it would work for the good government of these colonies, and unless they ascertained in the first instance what would be the real working of the system which they were about to establish. Let it be remembered, that, if they could not sustain their power in the Canadas, they must necessarily lose all their dominions in North America. Considering the variety of these possessions, by whom they were inhabited, the great differences of religious belief which prevailed amongst them—the differences, in short, of every description—they could be considered, in point of fact, as having no one common interest whatsoever, except the great river, to which the noble Viscount had adverted. But it should not be forgotten that the advantage of the exclusive enjoyment of this river depended on Great Britain. What Upper Canada stood most in need of, was a good and secure communication with the mouth of the St. Lawrence, which would secure to it the means of enjoying the full advantages of that river, together with the lakes communicating with it. As to the union of these two provinces, this was a subject which had been under the consideration of Parliament since 1822. The proposition had been rejected in another place by the influence of the Opposition of that day. Another decision had been lately come to, upon that question by the Government of the noble Viscount opposite. Notwithstanding that, in a dispatch from Lord Glenelg to Sir F. Head, the noble Lord had said, that "this was a subject which was not at all in the contemplation of her Majesty's Government—a subject, in fact, not to be thought of at all. This was in 1836. The report of the committee had recommended, not the union of the Canadas, but the union of the five provinces, including all her Majesty's dominions in North America. The union of the two provinces had been mentioned for the first time in her Majesty's message sent to Parliament in the course of the last Session, to which, at first, nothing more than the usual answer was returned—that the subject would be taken into consideration when it was submitted to Parliament. The measure was not submitted to their Lordships, but to the other House, and was withdrawn by her Majesty's Government. The question had never been submitted to the noble Lord, the Governor of Lower Canada, nor to Sir G. Arthur, the Governor of Upper Canada. In truth, the latter had declared, in more places than one of his despatches, his satisfaction that the subject was not disposed of in the last Session of Parliament. This opinion of Sir G. Arthur's, was recorded in the month of September or October last; and since that time they had had still further accounts of disturbances on the frontier, while every where there appeared to have been agitation of the question of "responsible local government," rather than of the project of union. If that question had not been imprudently mooted by the Government, they would have heard very little of the union. By far the greater number of the addresses (as their Lordships would readily perceive by reference) had relation to the question of "responsible local Government," and not to the question of union. Her Majesty's Government sent out the present Governor-General of Lower Canada to submit this measure to the consideration of the province. He stated, in very clear terms, the conditions upon which this union should be based. On the 16th of October a new system of administering the patronage of the colonial Government was adopted—a system which appeared to him the most extraordinary procedure which had ever been adopted by any public men, under any circumstances whatever. The very man who was known as the advocate of "responsible local Government" was the man who was sent out to carry this measure into effect. At the present moment the cry in Canada was, "The flag of Lord Durham and responsible Government." It was he whose name was universally used throughout those colonies as the patron of local responsible government. What happened on the arrival of this despatch of the 16th of October? If they were to have the opinion of the Legislature of Upper Canada, it should be their real opinion; it should be the opinion of that Legislature which enabled Sir Francis Head to get the better of insurrection—that Legislature whose Speaker aided Sir Francis Head in commanding the troops; these should be the men whose opinions should be taken as to the union of the two provinces—men who having put down insurrection in their own province, afterwards marched into the adjoining province, and enabled the noble Lord who was now seated on the cross bench to check rebellion, and drive forth a foreign banditti, which had come to burn and plunder within her Majesty's dominions. The despatch of the 16th of October went out, and an immediate change took place in the whole tone of society there. A few days after its publication, "Responsible Local Government" became the universal cry. It flew like wildfire over both provinces, and was adopted in the addresses from the district of Glengarry, where it had never been heard before. He had suspected how this matter was; and wished to have the answers of the governors of Nova Scotia, New Brunswick, and Prince Edward's Island, to this despatch. From those answers, which had just been laid upon their Lordships' table, he found that precisely the same thing had occurred in these provinces, and in Nova Scotia, and Prince Edward's Island an elective council was very distinctly demanded, in accordance with the terms of the despatch of the Secretary of State. He would say, that the Secretary of State, who was supposed to know what was passing in the province, in writing such a despatch was certainly mistaken. Wherever it went, it had been received and responded to by an address for local responsible government, and it was in that way that they had received answers on the subject of the union. The two subjects were considered together, but their Lordships might depend, that local responsible government and the sovereignty of Great Britain were completely incompatible. That was not his opinion alone—it was the opinion also of the noble Lord, the author of the despatch of the 16th of October, and of another despatch, written with the greatest ability, on this very subject of local responsible government. Such, then, was the state of this question as it stood at present. Their Lordships had not yet got the opinion in regard to this measure of the Legislature of Upper Canada—of that Legislature which had co-operated with this country so effectually in the war of 1812, and which by its exertions had carried this country through a period of great difficulty and danger, and had by its vigorous efforts raised a monument to its honour equal to that which any nation of the world could boast of. It was impossible for him to express the strong sense which he entertained of the exertions which this body had made on that occasion—exertions which had enabled them to defend their own country and to sustain the military honour of Great Britain against the whole power of the United States. The opinion of such a body was entitled to great weight with their Lordships, but it was not their opinion which they had got. If any opinion had been obtained at all, it was only after the publication of the extraordinary despatch of the Secretary of State to which he had called their Lordships' attention. But, although such was the real state of the case, the noble Viscount had, notwithstanding, stated, that they had the opinion of that body in favour of the union. They had no such opinion. The noble Viscount had also said, that they had the opinion of the noble Lord the late Governor-general of Canada on the principle of a union. That noble Lord, however, had not given his opinion on the abstract principle of a union. What the noble Lord had done was only what he had done over and over again—that was to say, he had given his assent to carrying into effect the details of a measure on which he entertained strong feelings of disapprobation, or in regard to which he, at all events, felt a strong reluctance. He had often opposed measures in that House as strongly as he could, and had afterwards been an active party in carrying into execution all such details as were considered necessary for giving them effect. Such was the course he had pursued on the question of the abolition of slavery. He had opposed that measure to the utmost of his power on every stage of its progress, but he had afterwards, when it had become law, supported as actively as any of their Lordships all those subsidiary measures which were considered necessary to carry into execution in the West Indies that great measure which Parliament, in opposition to his opinion, had declared to be expedient. Indeed, he had invariably followed such a course; and the noble Lord the late Governor-general of Canada had done nothing more than what he himself had always done under similar circumstances. The noble Lord had merely done what he was bound in duty to do as Governor-general and Commander-in-Chief in Canada—that was to say, the Government having intimated its intention to propose a measure for the union of the two provinces, the noble Lord had given his opinion as to the details, which were in his opinion necessary to give it effect. Such was the course which the noble Lord had taken, and he for one regretted that the noble Lord had not given his opinion on the abstract principle of the bill. The noble Lord was now present in that House, and he would no doubt consider whether it would be right to express his opinion upon that principle. For himself, feeling strongly for the honour and for the advantage and prosperity of this country, and being most particularly desirous not to run the chance of losing those valuable provinces, he would entreat the Government to pause before going further with this measure. He would implore the Government to consider the matter well, and to reflect and see whether it was absolutely necessary to incur the risk of losing those provinces by the adoption of this measure, if such was likely to be its effect. And if there was a risk, he would entreat the Government and their Lordships not to adopt this measure, for they might depend that other alternatives could be devised which would answer the ends which all had in view, and which would at least be safe, and enable them to secure the upper province, and if they did secure that province, they would have the whole. The Government by this measure was going to form a legislature composed of members of three or four different nations, differing in language and religion. In Canada there were twelve different Christian persuasions. Besides, the Roman

Catholics, and members of those different persuasions would meet in the Assembly which would be formed under this bill; and could they expect that, under such circumstances, there would be harmony? In that Assembly, where their talents would acquire for them power and influence, those different persuasions would meet, and their Lordships would remember that it was such influence which led to the misfortunes in which Canada had been recently plunged, which had overthrown the constitution in Lower Canada, and which would have overthrown the Government in Upper Canada but for the activity of the governor of that province, and the great ability with which he had conducted its affairs, and but for the loyalty also, he must say, of the Legislature of the upper province. The activity and ability of the governor, joined to the loyalty of the Legislature and of the people, saved the province at that time; but he would beg the Government not to rely on the same chances occurring if such an assembly was formed as would be established under the provisions of this bill. He had now stated his opinions on this measure to their Lordships, and he did entreat their Lordships to attend to the advice of the noble Viscount opposite, and to consider well the state in which this question stood, and to act in regard to it with calmness and deliberation. He would not recommend their Lordships not to allow the bill to go into Committee, there to give its provisions the fullest consideration for the bill must be amended, at least so far as to call together the Assembly of Upper Canada again, but, he sincerely hoped their Lordships would consider the whole measure well, before they adopted or rejected it. He had formed his opinion after long consideration. He had fully considered the resources of Canada, and the action of such governments as these. He knew well that such provinces were sources of great influence, power, and prosperity to this country, and he should deeply lament if the country should suffer the disgrace of losing them. He could not, after all the consideration he had been able to give the subject, vote for this bill, but their Lordships in deciding on it must look to other opinions, to the opinions of other Members of that House, and of the other House of Parliament, and not to his only. If their Lordships did so, and if they fully and impartially considered this measure, then, if the Government thought proper still to take the responsibility of it upon themselves, in God's name let them do so, but, for himself he must say "not content" to this bill.

The Earl of *Gosford* observed, that with respect to this measure, he had no hesitation in expressing his opinion that it was a dangerous experiment. He was fully aware of the misapprehensions which had gone abroad with respect to the state of Canada, and he had reason to know that many even of their Lordships were impressed with the idea that the French Canadians were in a state of organized resistance to the dominion of this country and to British connexion. By whomsoever those opinions might be entertained, he for one must consider them fallacious. He did not believe, that in any of the colonies of this country, her Majesty had more loyal subjects than the French population of Lower Canada. If the few which were misled were to be considered as the population, there might be some reason for holding such opinions, but such would be a very unfair conclusion. He could assert from his own knowledge, that the great body of the French Canadians were loyal and disposed to maintain the connexion with this country. Rebellion and revolution were hateful crimes, but let them see what were the causes of the late outbreak. One single district alone on the banks of the Richelieu river had been affected with discontent. That district had been the scene of the most violently contested elections, and bitter animosities had in consequence sprung up. On the north bank of the St. Lawrence only one outrage had taken place—he should rather call it an improper assembly—and that had happened in the county of the Lake of Two Mountains, which had also been the scene of strongly contested elections. In all the upper districts the greatest tranquillity had prevailed, and, at the end of three weeks, the whole country had been tranquillized. With respect to the measure before the House, who could say it was just? They gave to a population of 200,000 or 300,000 the same representation which was given to a population of 700,000 or 800,000. Besides that injustice, they were to saddle the debt of the upper province upon the lower province, which had no debt of its own. Could any thing be more arbitrary and unfair than such a proceeding? The debt of the upper province, it ought to be remembered, was contracted without the sanction of this country, and yet they were going to saddle it upon a country which had no debt of its own. He was convinced that a great mass of the people were hostile to a union upon such principles. He was not, however, one of those who thought that the period would never arrive when a union of the two provinces could be effected, but he had no hesitation in saying that that period had not yet arrived. He thought, that by a firm and impartial government much good would be effected, and under such a government circumstances might arise which would render an union safe. If the government provided for by the 31st George 3d were established, he had no doubt that such a government would work satisfactorily; and, if such a government were established, care ought to be taken that the two provinces adopted every measure possible for the improvement of the navigation and of the communications between the upper and lower province. He thought, that with such measures, and with a fair and impartial government, trade and commerce, and prosperity and happiness, would be the results, and under such circumstances they might bring the people together with some chance of happiness and harmony. Under present circumstances, however, the case was very different, and he feared, that union at present would not produce harmony or satisfaction. These were the sentiments which he had long entertained, and which had been confirmed by the communications he had had with Canada. He had received a letter from a leading member of the Assembly of Lower Canada in reference to this subject of a union, to which he wished to call the attention of their Lordships. In that letter, it was stated that a union of the upper and lower province, so as to throw the French population into a minority in the united Legislature, would be a ticklish operation. It was added, that a certain part of the representatives of the upper province would join the representatives of the French population, and that was a fact well entitled to the consideration of their Lordships. He opposed this measure upon two grounds—first, because he thought it founded on misrepresentation; and, secondly, independent of that, because he thought it most unjust.

Lord *Ellenborough* entirely agreed in every word that had fallen from the noble Duke. He was convinced that in passing this bill, Parliament would be committing an act tending to the separation of our North American colonies. And yet, in what position were their Lordships placed? In the House of Commons this great question had not attracted so much attention as it deserved; not one-fourth of that House had voted upon the question whether the bill should pass. There were for it 156, and against it 6, and that being the case, it was impossible not to say, that the general feeling of the House of Commons was favourable to this measure. The absence of some Members and the votes of those who were present made that perfectly clear. They had likewise the approval of this measure by the majority of the Assembly of Upper Canada, who, however, took some time to arrive at the conclusions they did. But then they were told, and they saw, that the result of this measure would be to make them the lords of Lower Canada, and they were also told that one of its conditions was, that the surplus of the revenues of Lower Canada should go to the payment of their debt. It was not, then, surprising that men not being practical statesmen should have been led away by such delusive expectations as these. There might have existed in their minds, as he regretted to say there existed but too much in the minds of the people of this country, the remains of those feelings of hostility towards the people of Lower Canada, which were the consequence of the events of the last few years; and he felt that their Lordships were not now called upon to legislate in that temper of fairness and impartiality in which alone measures of this important character ought to be adopted. This being the state of things, what hope had he, if he joined the noble Duke in saying "not content" to this measure, that its rejection this year would be a final rejection? If he thought it would be a final rejection, no one would more heartily join in voting against the second reading of the bill. He feared, however, that it would not. He feared that the power of the House of Commons, the feeling of the people of this country, and the misled opinion of a large portion of the people of Upper Canada, would inevitably press the question again before the House, and Ministers being unanimous in its favour, would drive them, however reluctant, into an acquiescence. It must be recollected, that in order to preserve a hold over our North American colonies, we must present an undivided front to them. We could not, with a division between the two Houses of Parliament, attempt to govern those colonies. What, then, must be the effect of their Lordships rejecting this bill, if that rejection were not to be final? The Assembly of Upper Canada must be again called together, and the question must be again discussed under increased feelings of excitement and exasperation. But what also would be the condition of the feelings of the people of Lower Canada, if one House of Parliament were to decree their subjugation, and the other to interfere for their freedom and protection? When the vicinity of the United States, and the feelings of the people there were taken into consideration, there was reason to suppose that a state of things would arise which would make legislation hereafter very difficult, and prevent them from coming to a conclusion that might conduce to the happiness, the prosperity, and the peace of those colonies. He was opposed to this measure on the grounds stated by the noble Duke. He was opposed to it because he thought it the most imprudent, the most fraudulent, and the most unjust, measure that had ever been proposed to Parliament, and at the same time the most erroneous, because not one of the objects it professed would practically be effected by it. What practically was the object of the bill? It was not in reality to give liberal institutions to Lower Canada; but under the pretence of giving them, to disfranchise the French population. It had for its object to exchange for the Governor-general and representative of the Queen, the Government of the majority of the people of Upper Canada, and to plunge into eternal disfranchisement a whole people on account of an offence committed two years ago by a portion of that people. This he considered grossly unjust. And in what manner was it unjust? In that which had been stigmatised by Lord Durham as an electoral fraud. Look at the state of representation as proposed for Lower Canada. One little county containing 2,300 inhabitants was to return one Member; six counties, containing a population of 33,000, returning English representatives now, were to return six Members; and two French counties, which were to be consolidated, and contained a population of 30,000, were only to return one Member. The moment the Assembly met under such a system as that, there must be one universal declaration of indignation on the part of the French population at having been defrauded of their fair share of representation. That which was unjust could not be good, and what could be more unjust than to give to the people of Lower Canada the government of the people of Upper Canada? Nothing could be worse than the Government which it was proposed to give to the people of Lower Canada. They were to be placed under the hereditary and absolute domination of the very people who had always shown themselves most hostile to them. Whatever the offences of a portion of the Lower Canadians might have been, they were entitled, both as a matter of justice and as a matter of policy, to good government; but he greatly feared that the legislation of the English majority would be guided by neither fairness nor impartiality when applied to the affairs of the Lower Canadians. But even supposing that the proposed new government were all men of equal purity, and impartiality, and ability, only think of the difficulties with which they would have to contend. It was impossible for any man who had read the papers on the table, and who had confidence in them, to come to any other conclusion than this: that for the purpose of giving an equally good government to the Upper and to the Lower Province of Canada, it was essential that the government should be, in all its principles and all its details, absolutely different the one from the other. In Lower Canada, it was impossible, for instance, consistently with the ends of justice, to have trial by jury; and equally so to have unpaid magistrates or municipal institutions. There was not the maturity for these things. Could the House expect from an assembly, constituted as he had described, that all feelings of personal and national animosity would be dismissed from their minds? and above all, when they looked to give good government to Lower Canada by such an assembly, the thing was impossible. Even by means of the agency of impartial statesmen, the thing would be most difficult; but when they proposed to leave the matter to persons who did not take statesman-like views, and who it was impossible could be impartial, he contended that, if the bill passed, it could not produce the effects that the noble Viscount had stated. He was of opinion, that it was the duty of her Majesty's Ministers, before they brought forward this bill, or any measure of the kind, to have taken proper steps to ensure its success in the colony; and, above all, to secure a due and impartial administration of justice. Indeed, Lord Glenelg directly stated this, and even Lord Durham, in one of his despatches, declared, that the first thing to be done was to ensure a pure administration of justice. When, therefore, noble Lords proceeded to talk of theoretic forms of Government, they neglected that which was before all constitutions, and for which all were ostensibly framed, namely, to secure a free administration of justice; but here a constitution had been prepared for this colony, under which it was impossible that it could exist. But supposing that all classes of persons in Canada were most anxious for the adoption of such popular institutions—if even that country was covered by railroads, was it possible, considering its extent, and its vicissitude of climate, that its affairs could be satisfactorily adjusted, and managed by one assembly? But in the want of almost all means of communication, in the deficiency of roads, in the entire absence of railroads, in the imperfection of water communication in some seasons, and the utter want of it at other periods, it was impossible that an assembly so constituted could do justice to the people whose affairs they were called upon to govern and to legislate for. In addition to this, such an assembly would have duties to perform which, in this country, were left to inferior powers. There were duties of a more various and extensive character than the legislature of this country—and above all, looking to the habits and feelings of the population which the Assembly would have to govern—should intrust to any body of persons constituted as this would be. He contended that it was, under any circumstances, almost impossible to settle such a matter in a satisfactory manner by such proceedings; but it was absolutely impossible when they regarded the constitution of the proposed Assembly, and the habits and the feelings of the people of Lower Canada. But, after all the tricks and frauds contained in this bill, it was clear that the French Canadians might, and probably would, return three-fourths of the number of the Members of the Assembly to be elected by Lower Canada. In order to secure a majority of the Assembly to be elected in favour of the connexion, and upon whom they could rely on account of their attachment to this country, they must take steps to secure the election of at least more than three-fourths of the Members from Upper Canada. But what was the state of things, with reference to the elections in Upper Canada? For five Sessions, the majority returned to the House of Assembly in the Upper Province were adverse to the connection with this country, and it was only by the great and meritorious services of Sir F. Head—to whom a just tribute had been paid by his noble Friend the noble Duke, and who by his exertions in 1836, saved Canada to this country, that a majority had been returned which were favourable to the continuance of the connexion. If, however, under this bill, they failed to carry such an absolute majority in Upper Canada, there was an end of the union of the colony with this country. This was capable of clear and demonstrable proof—it did not rest on theory, but was founded on clear and obvious fact. Looking, therefore, to where they must have a minority, and to the uncertainty of securing a majority in the other province, he felt that they were proceeding in a most uncertain and dangerous course. He would not dwell upon the letters respecting the proposed change in the tenure of office, after what had fallen from the noble Duke on this subject, for in all his remarks he entirely concurred. Looking, therefore, on this bill as one pregnant with injustice to Lower Canada, and treating that province as it did as a conquered country; and believing also that the practical effect of the measure would be to cause a majority in every Assembly elected under it to be hostile to the continuance of the connection with England. He could not, therefore, say content to this bill, and the only consideration which induced him not to divide against it was, that he feared, by doing so, he should not be working its final rejection, and that such a course might only eventually lead to its adoption, at a time, and under circumstances less favourable than the present.

The Marquess of *Lansdowne* would not trouble the House with more than two or three observations in reply to what had fallen from the noble Baron. Although the noble Lord had thought it consistent on the present occasion to dwell, he would not say in exaggerated terms, on the objections and opposition which he entertained to the present measure, he declared that he should not vote against it, but allow it to be read a second time, and go into Committee. The proper time for many of the objections of the noble Baron to have been urged would have been in Committee, and when they arrived at that stage ample opportunity would be afforded of discussing those objections, and of considering what weight they were entitled to. He should not have risen on this occasion entertaining such feelings, but he could not refrain from alluding to the course of argument adopted by the noble Baron against the principle of this measure—objections not merely against the union proposed in this measure, but against all unions, and all adjustments of the differences existing in the province by their being brought by any measure under the same form and system of government. The noble Lord also, in attempting to prove that injustice had been done to the population of Lower Canada, and that they had been defrauded by not having a larger proportion of members to be elected by the assembly given to them by this measure, had been obliged to have recourse to returns having connexion with the population, and had rested his argument on them, but he could not help feeling very strongly, that the noble Lord would be the last person who would apply the same rule to all other questions of union, and it was a principle which that House had never been induced to apply in some of the most important and beneficial measures which had been before it. Would the noble Lord be induced to say, that a great error had been committed in the union with Ireland, because the Parliament had not taken the number of the population for the adjustment of the number of Members to be returned, and that because Parliament had not apportioned the Members to the thousands or tens of thousands of the people of that country, as compared with the number of Members returned for England, therefore that Ireland could not have proper attention paid to her interests, or proper justice dealt out to her by the united Parliament. The whole of the arguments of the noble Lord went to show, that the minority elected under such a system could have no share, and no interest in the Government of the country to which they belonged. Was this then the result of the experience of the noble Baron? Did the noble Lord not know, that a large and powerful minority—although occasionally subject to defeat—which they would, perhaps, under feelings of excitement, sometimes designate the tyranny of the majority, having justice and sound principle, and good conduct on their side, were sure ultimately, in the degree in which this justice extended, to make progress and gain ground, and thus take a share in the general conduct of affairs? The noble Baron, also, in the latter part of his speech, seemed to contradict the observations which he made at the commencement of it. The noble Baron said, that although the people of Lower Canada had been grossly defrauded by this measure, by having such a small number of members allotted to them in proportion to the population, that with the disposition that would obtain there, the members that would be elected would form a large proportion of the assembly, all of whom would be anxious for a separation from this country, and the noble Baron also referred to former elections in Upper Canada, with the view of showing that a large number of members from that province would be returned under this bill which would unite with the members from the other province to promote a separation. If, however, they took the comment which the noble Lord added, it would appear that he thought that a majority would be secured by the support which the powerful party in Upper Canada would receive from the Government at home, and by the distribution of offices that would take place amongst those favourable to the British connection. He entertained strong objections to proportioning the number of Members to the numerical ratio of the population; and until he heard the noble Lord he had thought that there was hardly a Member of their Lordships' House who was favourable to this departmental distribution of the members of the popular branch of the Legislature. He had not thought that any noble Lord considered it one of the best parts of the French revolution thus to divide the country into departments, and to take the number of heads by which to apportion the number of representatives. Although this bill was not framed or calculated on this erroneous and theoretical basis, he believed that under the principle that had been adopted it would be found that all classes would be truly and fairly heard in this assembly. There was, however, another observation which he felt called upon to make, although the matter had not been alluded to by the noble Baron, but it was one which was notorious to all the world, and which bore on the objection which the noble Baron had taken with respect to the proportion of the number of Members to the population. It was, that while the population of the lower province was stationary, and was almost inactive, and where comparatively few improvements had taken place, while in the other there had been within the last few years a rapid increase in population and wealth, and where commerce and agriculture were daily extending, and while the growing resources and the prosperity of the province were constantly being developed, which was also promoted by the tide of emigration which floated there, he could not help feeling that that division of the country would soon greatly surpass the lower province in population as well as wealth. If, therefore, they adopted the proposition of the noble Lord for the adjustment of the number of the representatives to the population in this manner, they would have to make a new arrangement within the course of a few years; and if the noble Lord should happen to be in office three years hence, either himself or one of his colleagues would have come down to Parliament to have a re-adjustment of the members of the Assembly, so that justice might be done to the people of Upper Canada, who, by their extended commerce, their wealth and enterprise, as well as by their greatly increased numbers, were entitled to a greater share in the representation. Before he sat down he must correct another error of the noble Baron. The noble Lord stated that he would not take upon himself the responsibility of rejecting this measure which had been sent up by a very large majority of the other House, and he added that it was evident that it had not had proper attention paid to it in that place, as the number that attended at the division on it was by no means large. Now, was it not the case that, when measures met the pretty general consent of both parties, and when it was obvious that they would be passed, very many abstained from attending the House? But he would ask, whether the leading Members of either side were absent when the bill was considered, or whether there was an absence of authority in support of this measure? Was the noble Baron prepared to state that the leading persons who entertained the same political opinions as himself, and who generally took a share in the debates in another place, were absent, or abstained from taking part in the discussion? The fact, however, was, that this bill passed through all its stages with almost unanimity, and was not opposed by those persons whose characters or abilities he was sure the noble Lord would be the last to depreciate, for he might be assured that they would have taken the sense of the House of Commons on this bill, if they expected any of those crying evils and certain dangers to result from it which the noble Lord declared would inevitably flow from its adoption. Was it not clear, from what had taken place, that this measure came backed with the support of the high authorities to which he had just adverted? The only Assembly which now existed in Canada which could influence the popular opinion, was the House of Assembly in the upper province; by this measure the election for the Assembly would be extended to Lower Canada, and thus a free constitution would be secured to both those provinces. The noble Lord alluded to the former opinions that obtained in the House of Assembly in the upper province. Undoubtedly a great change of opinion had taken place in that Assembly within the last few years; and, as he believed, it had resulted from reflection, and from feeling that the Government and the Parliament of England were disposed to do them justice. On this point he could not help adverting to two most able dispatches which had been written by his noble Friend, the Secretary for the Colonies, and which had been adverted to by the noble Duke. The first of these was dated the 14th of October, and was followed by that of the 16th of October, and in them the importance of giving free institutions to the people of the colony was clearly shown, as well as the duty that existed of making the officers of the local government responsible to the representatives of the country, and that it was impossible to give satisfaction to a people who had once been accustomed to free institutions, unless this were done. He did anticipate danger from restoring a general House of Assembly, but he believed, that, by the union that was proposed of the provinces, the general sources of prosperity for that extensive country would be rapidly developed, and that this object would be advanced by the establishment there of one central government, and, by giving the people a greater share in the municipal government, so that these might be carried on in conformity with their local feelings and usages, and thus trusting the people with the management of their own affairs when confined to particular districts, and uniting all parts of the country for trade and commerce, and for general government, so that if the country should at any time be attacked by a foreign enemy, they would be enabled to offer an efficient and successful resistance. He could not allow that two years' consideration were not sufficient to enable their Lordships to consider the difficulties of this subject and to provide a remedy, and he could not allow that the House of Commons had been guilty of any negligence in passing this bill, as he believed, that this measure, and the union of the two provinces, were looked for with the greatest degree of impatience by the people of Canada. He would not occupy the time of the House with any further observations, as the noble Lord had stated, that he would not divide the House on this subject.

The Earl of *Ripon* felt, that this was a measure, the result of which was very questionable; and, if it failed, the effect would be irreparable, and, as the noble Duke stated, the colony of Canada would be lost. He, however, did not wish to press this objection to a greater extent, as he had taken the resolution of not voting against this bill. There were many practical reasons which induced him to doubt what would be the operation of this measure in a country of such immense extent, and which was so deficient in the means of communication, and in which there existed such a difference in the laws and in the administration of justice in the two provinces, as well as in the habits and the feelings of the people. These, in his mind, constituted great difficulties in the way of a union between Lower and Upper Canada, and occasioned painful feelings in his mind as to the probable results of this measure. It was stated that the people of Upper Canada felt that they would all share in the advantages that would result from this measure, and from the proposed union; but if they regarded Lower Canada, an opposite principle existed. This principle was avowed and dwelt on in Lord Durham's despatches, and it was irreconcileable and incompatible with the feeling of harmony which they were told was to be generated between the two provinces. What would be the situation of the French part of the population under this measure? They would always feel, that this act was adopted as an act of coercion on them; and with whatever feelings the rest of the Legislature might be actuated, it would always operate on their minds and produce such conduct on their part as to make the power of the government permanently weak. The noble Marquess stated, that while the advance of the English in the upper province, both in wealth and population had been rapid, the condition of the French in the lower province had remained almost stationary. This was certainly true, but it must be remembered that the latter had had none of the advantages of emigration; and, no doubt the necessary increase of the people that would take place from this source, followed by the cultivation of numerous districts, would ultimately lead to the preponderance of the English over the French population. There would, however, remain a strong feeling in the minds of the latter population, that injustice had been done to them, and they would continue irreconcilable to the connection with this country. He felt, that the very fact of the union had been called for and was proposed on a principle which was unjust, and this very circumstance made him doubt the propriety of this measure. Under the circumstances, however, which had been adverted to by his noble Friend, he should not oppose the further progress of this bill.

The Duke of *Wellington* had no intention to attack the Legislature of Upper Canada in any of the observations that had fallen from him; he, however, was not aware of the existence of any papers that gave an unbiassed opinion of the Legislature of Upper Canada in favour of this union.

Viscount *Melbourne;* Yes, yes; there is a distinct declaration on the subject.

The Duke of *Wellington:* With respect to the proposed income for the future officers of the government in Canada, he would merely say, that many loyal subjects who held offices, and to whom the country was indebted for the greatest exertions during the late outbreaks in the colony, had, in consequence of what had occurred, resigned their offices, and among others the Solicitor-general of that colony. He had made no charge of corruption against the governor of Upper Canada. What he said was, that the relations between the governor of Upper Canada and its legislature were altered, and that the governor went down with a proposition to them cut and dried—with his bill all ready—after having informed them that, under the new arrangement, all those who did not support it, would go out of office in June.

Lord *Ashburton* said, after what had been stated by the noble Duke and the noble Baron near him, he did not mean to trouble their Lordships at any length. He did not complain of the course which had been taken upon the present occasion; but he did complain, that all the discussions which had taken place on this subject, had been conducted as though Parliament was only looking to the interests of Upper and Lower Canada, without at the same time directing its views a little to the great interests of the mother country, as connected with her colonial system. On a former occasion, he had stated his opinions on this subject, and those opinions which had been referred to in the course of the present debate led him not only to set a high value upon colonies of this description, but also to set an equal value upon the interest of this country. The noble Viscount opposite (Viscount Melbourne) had stated that he thought this was matter of growing opinion in this country; for his (Lord Ashburton's) own part, he should be glad to believe such was the case, but certainly he had seen little in the conduct of either House of Parliament to induce that belief. Not undervaluing these colonies—not undervaluing the vast extent of the commerce with them—not undervaluing the great interest the country properly took in her children (he might call them) who were planted there, he still was of opinion, that the Imperial Parliament was constantly mistaken, looking to the peculiar description of the population there, in supposing these colonies were for ever to be governed from Downing-street. If such were not the opinions of the people of England, a repetition of them here would not do much good; but as the debate of to-night had not shown the difficulties under which Parliament laboured, and as the nature of colonies of this description, and the difficulty of governing them, had not been clearly explained, he could not refrain from offering a few observations for the consideration of their Lordships. He believed, if ever there was a question in which this and the other House of Parliament were most anxious to set aside all party consideration for the purpose of really establishing a good system of government in these colonies, that question was the present. But scarcely had any noble Lord spoken in the course of the present debate who had not introduced some new opinion on this subject. This showed the difficulty of the question. Again, no two Governors who had ever been sent out to these colonies, had come home with the same opinion as to what ought to be done; nay, they hardly agreed as to facts, still less as to the course which ought to be pursued with a view to a remedy. Commissioners had been sent out, one Governor after another had gone and come home, and the result was endless reports, endless variety of opinions, and the Legislature was left to find

> "No end, in wandering mazes lost."

The noble Earl opposite who had spoken, and who had been out as Governor to Canada (the Earl of Gosford), had referred to the French Canadians as being an amiable, single-minded race. He could say, that unless they were greatly changed from what he had himself known of them formerly, he concurred in that opinion; but as to the power of governing them, and keeping them as a colony (which formed a most important feature in the difficulties of the question), the noble Earl stood almost alone in the opinion that such power could possibly be maintained. Lord Durham, in his report, said the spirit of nationality inherent in the French portion of the population was such as to make it impossible, and in that opinion all, with the exception of the noble Earl opposite, agreed. These very circumstances and facts, brought up again to his mind very strongly the question, whether it was possible from any measure the Imperial Parliament could apply, really to govern and keep those provinces as colonies. The strongest argument, however, against opposing the present measure was, that nobody seemed to have any other plan to suggest. It was impossible to set up the old system of an independent Legislature; the feeling of the colonists was against it, for though the noble Earl opposite (the Earl of Gosford) had said, that the disposition to rebellion had only been exhibited in one or two provinces near Montreal, still it was admitted, that there existed in other provinces a systematic determination to work and worry the Government at home, and eventually to get rid of British domination. That being the case, he came to the consideration of the value of these colonies, and the value of the power of governing them from Downing-street. The noble Viscount opposite (Viscount Melbourne) upon opening this question that night had led their Lordships through an eloquent and entertaining account of the history of this country with respect to its foreign possessions. He desired no better facts and circumstances to exemplify his views of the uselessness of maintaining colonies of a certain description than the statement of the noble Viscount; for, according to him, it was a lamentable misfortune that this country had ruled in Gascony, in Normandy, and other provinces of France acquired by the conquests of Edward and Henry. He thought, that if England held those provinces at the present moment, the good sense of the nation would induce them to say, "We have enough to do to manage our own concerns, and must leave those provinces to govern themselves." He thought further, that with the experience this country had now acquired, if the population of the state of Pensylvania or of New York were to send a petition (if the thing were possible), praying this country to resume its sovereignty over them, the good sense of England would make the same answer, and say, "Govern yourselves—we have enough to do." Therefore, after having established a colony of which Great Britain had reason to be proud—a colony at present comprising a population of between 1,400,000, and 1,500,000, the time might come when self-government was necessary and when separation from the mother country must take place. The first difficulty was to ascertain the proper time for that separation, and the next was, to effect it on friendly terms. These opinions he had expressed on the subject of colonization generally two years ago, and he thought the greatest possible mistake was, not early to have given these colonies to understand, that the moment the feeling of their population was ripe for separation they should have it. This had not been done, and rebellion had arisen; the loyal part of the population had taken part with this country; blood had been shed, and with this contest the difficulties of the question had increased. At present there existed in the Canadas all the elements of discord—the French population were irreconcilable to English authority, and it was impossible for any government that might be formed in the United States to prevent the borderers from taking part in the frontier conflicts. The noble Lord concluded by saying, that as no clue had been given to get out of these difficulties, as no suggestion had been made by those who opposed this bill, which induced him to think it possible for this country to hope to govern these colonies in tranquillity, he should not negative the motion for the second reading of this bill.

Lord *Brougham* said, notwithstanding the course which this debate had taken, and the perfectly fair line of proceeding adopted by his noble Friend the noble Duke opposite, and by the noble Baron, and although it was probable that many other opportunities would arise for discussing the principle of the bill while its details were in Committee, yet, as this was the stage appointed for the consideration of the principle, he felt that it would not be inconvenient if he were now to state the view which he took of the question, more especially with reference to the course which, two years ago, he, with little support from their Lordships, had thought it his duty to take with respect to this subject. What he would have to say to their Lordships on the present occasion would embrace two views of the subject; first, whether this measure, in itself, and with reference to the time of its introduction, was justifiable; and, in the next place, looking rather to expediency than to strict justice, what might be expected to be the future consequences of it. As regarded the first of these points, their Lordships would at once perceive that he was about to refer to that which had been already broached by more than one of their Lordships, which had not been avoided by the noble Viscount who opened the discussion, and which had been alluded to by the noble Duke—the question of how far the consent to this measure had been obtained of those parties whom it was designed to join in legislative union. That their consent was necessary he considered indisputable. Fifty years ago they received a constitution, after they had been full forty years the subjects of this country. He admitted, that strictly and legally speaking, they were not at that time entitled to the exercise of legislative rights, but this country then granted them that constitution which they had enjoyed for about half a century. Yet their Lordships were now called upon by this bill, without having, as he should presently show, the consent of the colonies, to abolish the constitution so granted to them, and to unite in one legislature two colonies, to keep which separate, to give them separate constitutions, and separate legislatures, was the fundamental object of the Parliament which granted it. The real question therefore was, had we or had we not the consent of the inhabitants of the colonies to this measure? Now, the speech of his noble Friend the noble Duke opposite appeared to him to demonstrate that the consent of the constituted authorities in the Canadas had not been obtained to this bill, and that the consent of the people had not been obtained, as far as there were any means of judging what their feelings were. He ought to apologize for entering into this part of the subject after the speech of the noble Duke; but the question of consent appeared to him so material, and to go so completely to the foundation of the measure as regarded its justice, that he could not forbear stating one or two circumstances which appeared to him to prove, that not only had the consent of the Canadian people never been given to this measure, but that it never would be given. First, their Lordships had been told to look to the acts of the Legislative Council, which were supposed to be indicative of the wishes of the people. But had they their consent? Why, not twelve months ago they sent over to this country, not to consent, but to dissent on the part of the Legislative Council of Upper Canada, and it was on the express grounds of that protest having arrived that his noble Friend, (Viscount Melbourne) answered his objections to deferring the measure from the last to the present session. But, suppose that since that protest there had been a change in the opinion of the body from which it emanated, he begged to ask since when had that change been effected? Why, since the despatch of his noble Friend, the Secretary for the Colonies, and the announcement it contained of the measures which did not make it convenient for that body to hold out. The despatch directly and immediately tended to produce a change in the body which before had dissented and protested against this measure. But was the consent of the people of the two provinces to supply this defect? Certainly not. To say that they had the consent of the Legislative Council, whether of Upper or Lower Canada, was saying neither more nor less than that they had the consent of the councillors, whom they vested with authority, to this measure. That accounted only for the consent of the Minister at home and the officers he appointed abroad. Then had they any consent of the Assemblies? It was said they had the consent of the Assembly of Upper Canada. Since when had the Assembly of Upper Canada given their consent to this measure? Twelve or fifteen months ago it was just as much against it as the Legislative Council. Certainly, changes had taken place since that time in their opinion; he wished to avoid alluding to all invidious and party topics; but the circumstances under which that change of opinion had taken place tended to take from its weight. That Assembly was elected upon a dissolution, of which he wished to avoid saying anything, which took place in 1836; by some it was very much praised; by others it was much blamed; he should say nothing either way. In 1836 that Assembly was elected; but its title to continue in existence expired with the demise of the Crown; and if nothing further had passed in 1837, it would have ceased to exist as a legislative assembly. But it passed an act in the nature of the Septennial Act; of that act, whether justifiable or not, he would not argue any more than that it was absolutely necessary in the reign of George 1st; and in the first year of this reign, in the colony, as in the first year of the reign of George 1st in this country, such an act might be wise and necessary in Upper Canada. But such an act derogated from the authority of that Assembly to effect so extraordinary a measure as the incorporate union. The existence of that Assembly was continued beyond the period for which it was elected —beyond the period allowed by the law under which it was elected, and its existence was only continued under a law made by itself, contrary to that title under which it derived its original existence, and its right to make that law. Suppose he took an analogous case in the union of Scotland with this country, and suppose that union had taken place ten years later than it did, and that instead of the measure passing in 1706, it had been brought before Parliament in 1716, and that the act of the legislative union with Scotland had been an act of the Parliament during the period of its own extended existence, he appehended that it would not have had that weight and that authority which it had. On this ground, therefore, he attached much less weight than he otherwise might, to the opinion of the Assembly of the upper province as indicating the opinion and speaking the sense of that province. With respect to the province of Lower Canada, they could not have the assent of its representatives, because the constitution of the lower province was suspended, because the act of two years ago, relating to that province, still continued in force, and for the present abrogated the Assembly of Lower Canada. And, without the legislative opinion of the people of Lower Canada, they took the step of incorporating it with Upper Canada. If he were asked whether the opinion of the people might not be all the while in favour of the measure, though they had no organ to represent them and speak their opinion, his answer was, let them look at what had transpired two or three years ago, and at the state of opinion in the Assembly of Lower Canada. Could any man who heard him command his countenance enough to tell him that if that assembly now existed, it would hesitate an instant in answering the question unanimously by a negative? That Assembly was divided in the proportion of seventy to eighteen before the last dissolution, and on an appeal being made to the inhabitants whether they agreed with the seventy or the eighteen, the majority was increased instead of being diminished, and the proportion made eighty to eight, or something of that kind. No man, therefore, could doubt what the Assembly, if now in existence, would say to such a question as this. They did not think, perhaps, that the Assembly would disagree to this measure on being called together and asked. Why had they not called them together to give an opinion? Because calling them together would be only getting a refusal, and they would rather rest on as little doubt as possible than on an absolute certainty against the measure. He wished now to say a few words with respect to the future expectations which opened upon us. It was said, that there were forty-two representatives for each province—eighty-four altogether; and he wished to call attention to what appeared to him the unanswerable consequence of this attempt at amalgamating these two almost heterogeneous and irreconcileable masses of people. Suppose they had the same kind of proportion amongst the forty-two Members who represented Lower Canada as there was in the old Assembly whilst separate; it was perfectly clear, that that large majority, added to those of the forty-two members of the upper province who held similar opinions, would give so great a preponderance against colonial subjection as would make it extremely difficult to continue that subjection at all. But, suppose the distribution of the franchise was such as to give an unnatural preponderance to one class over another, was this likely to produce peace and satisfaction? Was it not more likely to shake the government of the mother country? There was another view, that when the two races were brought together into one assembly they would not have all the members of Lower Canada take one line, assisted by the minority of the representatives of the other, but that there would be a division on another principle, namely, French as against English. Let them not look upon that as likely to promote tranquillity, or to continue the colonial relation; because, if this were the result, it required no gift of prophecy to say, that there would be the worst possible feeling rankling in that Assembly. But a still more fatal feeling would be rankling in the country, and the greatest risk would arise to the stability of the connexion with the mother country. It might be naturally asked why he should feel apprehensive of the stability of a system that he, for one, set very little store by. Differing widely from the noble Lord (Lord Ellenborough)—agreeing only with his noble Friend (Lord Ashburton)—setting little, very little value on the importance of the connexion — holding that its disadvantages greatly preponderated over its advantages, it might, he repeated, be naturally asked why he argued against the expediency of establishing a system which was extremely likely to put an end, at no very great distance of time, to our colonial relations in that quarter, and to subvert altogether our authority there? It was on the ground which he formerly had occasion to state to their Lordships, and which he should not therefore now enter upon at any length—namely, that it entirely depended (as was urged by the noble Lord who last addressed the House) on the manner in which the severance took place—on the events which preceded and accompanied the separation—on the frame of mind and the public feeling which subsisted on both sides at the time at which the event, which never could be very long delayed, occurred—whether such a change would be beneficial or not. And his apprehension was, that this measure would be fraught with the mischief of enabling party there to produce the worst effects; of giving scope to the worst passions; of dividing man against man, and race against race; of exciting perpetual heart-burnings between the colony and the mother country; and that when the separation came we should be in the position of losing a colony, which those who set great store by such a possession might deem a greater loss than he perhaps thought it to be—which could not be converted into a natural ally, but whose inhabitants would become our open enemies immediately after ceasing to be our subjects. It was in that view that he regarded this measure as an inexpedient one. But he, on the other hand, felt bound to oppose it on the ground of justice. Though he certainly should have had other opportunities of discussing this measure in Committee, he thought it his duty to protest against its principle on the second reading. He should not, any more than other noble Lords, oppose the second reading, and though he had a very feeble expectation of amending it in Committee, he should give its clauses his best consideration.

Viscount *Melbourne:* His noble and learned Friend (Lord Brougham) congratulated their Lordships on the absence of party feeling in this discussion. It was certainly free from all party heat; but he questioned the prudence with which it was conducted. Their Lordships might sometimes deem it right to support a measure of which they did not approve in all its parts, but to condemn in violent language a measure which was principally to act by impression, and the success of which mainly depended upon the character with which it went forth, and at the same time not to oppose its further progress, struck him to be a course not very wise nor patriotic. The noble Duke said, it was not yet time to settle this question. Now, of all the objections raised to this measure, this surprised him most, for the Government were taunted on all sides with delay in taking any proceedings on this subject; and it was moreover urged that the position which they now held would not be long tenable. And then the noble Duke assigned a period for this delay, which would prolong it *ad Græcas Kalendas;* for the noble Duke would wait until he was certain of the working of this measure, as if it were not quite impossible that he could ever be perfectly certain of the manner in which a measure of this nature, relating as it did to popular assemblies, would work. It must be always, to a certain degree, an experiment; but that fact did not relieve them from the obligation of framing such measures as, on the best consideration they could adopt. The noble Duke referred to two classes of politicians in this country on the subject of Canada. He said there was one which was fast growing up, which wished (prompted in a great degree by the love of republican institutions) to see Canada governed on the model of the United States, and the other (which did not participate in such a feeling) looked on the speedy and amicable separation of the provinces from the mother country as likely to prove of advantage to both. His noble Friends (Lords Ashburton and Brougham) went pretty nearly the whole length of the latter. He certainly did not agree with his noble Friends in that opinion; and though he did not feel justified in using the same expressions of strength and force on this view as the noble Duke, who was so conspicuously identified with the military glory of this country, yet he could assure the noble Duke that he could not feel more keenly the "disgrace of living to see that day" when the Canadas should be separated from Great Britain than he should. He should look on the loss of these colonies, by becoming independent of the connexion with the mother country, as a most grievous one, and, above all, as a heavy blow to the character and reputation of this country. As to expecting an amicable separation, that was an event almost impossible. If we gave them up at all, it must be because we felt, that we were unable to keep them; and such an acknowledgment, he thought, would be very unfavourable to the reputation, and consequently to the strength, power, and influence, of this country. The noble Duke considered that there would be no difficulty in settling matters as to the navigation of the St. Laurence, just as the navigation of the Meuse and Rhine was regulated. Of course the noble Duke was better acquainted with the facts than he could be, for the noble Duke negociated the treaty respecting these rivers. But he should like to know was that matter settled yet? He rather doubted it. He knew it was one of the provisions of the treaty of Vienna, negociated by the noble Duke, that the navigation of the Rhine should be free, but he knew also that a question was raised as to what "the Rhine" meant; and there certainly could not be a stronger illustration of the difficulties which surrounded such questions than the instance of the Rhine which the noble Duke adduced. Questions arose, too, in the same way, as to the Danube and the Douro. The noble Duke said, this was not a new question; that it was brought before the House of Commons in 1822, and rejected then principally through the intervention of the then leaders of the opposition. He did not know whether his noble and learned Friend (Lord Brougham) was then a Member of the House of Commons, but he thought if he were, that he should have his confirmation to what he believed to be the fact, that it was in consequence of an assertion of Sir James Mackintosh that that bill was thrown out. But it was introduced at the latter end of the Session, and without notice to the Canadas. These were certainly, under the circumstances, the strongest objections to its passing. Besides, there had been no rebellion in the lower province: there had been no misconduct of the Assembly, a misconduct which he should ever maintain perfectly justified the suspension of their functions, and the measures which had been taken on that occasion. In 1836, likewise, when Lord Glenelg stated, that such a measure as an union was not to be thought of, the circumstances which subsequently created its necessity had not arisen. The noble Duke laid great stress on a despatch of his noble Friend (Lord J. Russell) dated the 16th of October, and he as well as his noble Friend (Lord Brougham) seemed to think that it nullified the whole proceedings of the Legislative Council of the lower and of the Assembly of the upper province. He attributed it to an effect almost Circæan, and laboured to show that it changed the very nature of the persons whom it addressed. He must say, that despatch did not in the slightest degree countenance the principle of irresponsible government, but was intended directly to counteract it. It was meant by it to say, "irresponsibility is perfectly inconsistent with your situation as colonists: but the government shall be carried on for the future more in accordance with your feelings than it has been." He saw by the correspondence which the noble Duke moved for, that that despatch was misunderstood in the colony, and that it was looked upon as intended to countenance the principle to which he alluded. It was not misunderstood, however, by the Governor-general; it was not misunderstood by Sir Colin Campbell or Sir J. Harvey, for the correspondence showed they attached to it its correct interpretation, and surely it was impossible to suppose that it could have had such an effect on those assemblies whom the noble Duke described in terms which they so well deserved, as to change their character and their whole mode of feeling, and to render that authority which was acknowledged to be good, before the despatch went out, of no effect whatever. The Governor-general prepared this bill; he sent it down actually prepared to those bodies, who had the complete power of considering and passing it, and it was hardly possible that their authority should be so acted upon by a single document as to induce them to agree to a measure which they did not approve of. The noble Duke urged that there was great difficulty in bringing together into one legislature, persons from distant parts of the country, and having different religions and interests. He always thought that one of the advantages of a Legislative Assembly was, that it brought together representatives from all parts of the country; and, as to the Members professing a different religion, that was a strange argument to use in this country, where, at any rate, two religions differing from that of the state were openly admitted not to disqualify a man for the representation. But, the noble Duke insisted that there would be twelve different denominations of Christians in the new Assembly. He would answer for it, that he could produce from the House of Commons, twelve persons differing from one another as to some point of religious belief. He, therefore, could not think that this was a circumstance which would render this measure entirely inoperative. His noble and learned Friend (Lord Brougham) contended, that even in the upper province no consent was given to this bill, and he grounded this argument on the fact of Lord John Russell's despatch to which he attributed the wonderful magic power of entirely weakening and overthrowing the authority of that Assembly. His noble and learned Friend further maintained, that their authority, even if honestly exercised, was of no use, for they continued by their own act the length of their duration. They were either right or wrong in that step, and, if they were justified in taking it, their subsequent acts were not invalidated by such a vote. It was impossible to deny, that after the Septennial Act was passed, the Acts of the Parliament which enacted it were as valid as those of any other Parliament which had not in the same manner prolonged its own existence. Now, with respect to the lower province, he acknowleged that no consent was given there by any competent authority. He fairly admitted that to be so; but the province of Lower Canada had, by the conduct of its Assembly, [and by its outbreak and rebellion, placed itself in a situation which obliged us to legislate for it without its consent, and produced a state of circumstances which rendered it necessary to take such measures as were essential to the preservation of the province and the consolidation of the Government, without waiting for that local and express consent which he certainly admitted was generally given in other cases of union. At the same time, he must remind their Lordships, that in the cases of both Scotland and Ireland, the Legislatures of those countries were subjected to an influence generally supposed to be a great deal more potent than any that could possibly flow from a despatch of his noble Friend. It would not do to scrutinise too closely the motives of public men at such junctures, or the means adopted for carrying such great measures, but the union with Ireland was certainly carried when the public mind was not in a calm state for its consideration, and immediately on the eve of the rebellion. He contended, then, that they had the express consent of the upper province to this bill, and that the circumstances of the lower supplied the consent on their part; and as to its working well, it was impossible to anticipate how far it would succeed. All their Lordships had to look to was the constitution of the Legislature in a fair manner as regarded both provinces. As to the disproportion in the number of inhabitants of each district sending Members to the Assembly, it could never be said, that this country proportioned its representation to the population alone; for if so, Rutland would not have the same number of Members as the West Riding of Yorkshire. The question was, whether, on the whole, the districts were not wisely and prudently arranged. He trusted, that on further consideration, their Lordships would take a favourable view of this measure; and that if they suffered it to pass, they would not, at least, impede its operation and mar the good results likely to flow from it by the character which they themselves gave it.

The bill read a second time.

HOUSE OF COMMONS,

Tuesday, June 30, 1840.

MINUTES.] Bill. Read a first time:—Waste Lands.

Petitions presented. By Mr. Wallace, Mr. Baines, and Mr. Morris, from Greenock, Cambridge, Carmarthen, and other places, against, and by Mr. Codrington, from Gloucester, in favour of Church Extension.—By Mr. Hume, from London, Stirling, Stranrear, and other places, against the Copyright Bill; from Antrim, in favour of Medical Reform; and from Paisley, in favour of Universal Suffrage, and Vote by Ballot.—By Mr. Easthope, from Leicester, and an immense number of places, against Church Rates.—By Mr. Plumptre, from Worcester, against the Grant to Maynooth; and from Suffolk, Kent, Gloucester, and several other places, for the Repeal of the Roman Catholic Relief Act.—By Captain Jones, from Down, for Medical Reform.—By Mr. Brotherton, from Silk Weavers of Salford, for the Repeal of the Corn-laws.—By Mr. Litton, from Dublin, against the Grant to Maynooth.—By Viscount Dungannon, from South Shields, against the Ecclesiastical Duties and Revenues Bill.—By Sir E. Knatchbull, from Ormskirk, against Clauses of the Constabulary Bill.—By Viscount Sandon, from the West India Association of Liverpool, praying to Encourage the Immigration of Labourers to the West India Islands.—By Mr. Goulburn, from the Tithe-owners of Bocking, against the Bill for the Exemption of Stock in Trade from Rates.

CHURCH EXTENSION.] Sir *R. Inglis*

spoke as follows:*—Often as I have addressed the House, I do not recollect that I have ever, except on one occasion, implored, or even asked, their attention. I have been content with such a hearing as, in the ordinary course of debate, they have been pleased (unasked) to give. The single occasion upon which, hitherto, so far as I recollect, I have ever implored that attention, was when, two or three years ago, I endeavoured to bring before them the guilt and horrors of the foreign slave trade; and when, accordingly, I proposed an address to the Crown for the purpose of extirpating that curse and crime. I gratefully acknowledge that the patient hearing which I then sought was willingly conceded to me; I still more gratefully add, that the House adopted that address unanimously. Would to God, that the same result might attend my present appeal! The motion which I this day propose to the House, is one which has reference chiefly to the spiritual necessities, the fetters of vice and ignorance, in which our fellow-men are bound. The former motion had reference to those who were strangers to us, except, indeed, so far as we are all brethren, children of one common parent: the present motion has reference to those who are not only partakers of the same nature, but dwellers together in the same father-land, our fellow-subjects, and, in name at least, our fellow-Christians. My object now is to relieve not strangers, but our own countrymen; not to rescue strangers, whom other strangers are enslaving and persecuting; but to provide for the highest wants of our own people, to give to the perishing millions around us, in England itself, some of that light and some of that knowledge, which are as essential to their well-being on earth, as to their well-being after death. I have said, indeed, that they are Christians by name, for such is every one born in a Christian country; but, as I shall too well prove before I sit down, we live in the midst of an almost heathen population, a population whom our neglect, and the neglect of our forefathers, has, in a manner, compelled to be heathen. On their behalf, I implore the patient attention of the House. Under what circumstances does the subject come before the House? It is introduced to their notice by a body of petitions of a character which is pre-eminently entitled to consideration. The number of those petitions is 2,546; the number of signatures is 213,580: but it is not the number, either of the petitions or of the petitioners, to which I wish chiefly to direct the attention of the House. Another circumstance connected with them is more worthy of notice. They come from every quarter of the land, in all its length and breadth, and from all classes. They come from remote country villages, where the parties, from their own personal experience of the blessings of religious worship and pastoral superintendence, desire that their fellow-countrymen, to whom these blessings have been denied, may share the privileges of happier districts. Several such I have presented. I will take one as an example: it is from Huntley, in Gloucestershire. I wish the House to hear the words of these humble petitioners. They state, that they feel it to be a great blessing that they have the opportunity of meeting together at the church on the Sabbath day, to worship God, and to receive instruction in the way of duty and happiness; and that they are the more sensible of this, as their own church has been recently enlarged, so as to give sufficient room for all the parishioners:—

"Your petitioners, therefore, hearing that a great many parishes are in want of church-room, and that the inhabitants, if they were able to obtain the money, would either build new churches or enlarge the old ones, humbly entreat that your hon. House would be pleased to take the subject into your consideration, and to adopt such measures as may be sufficient to meet the wants of poor and unprovided parishes."

They feel the value of the church to themselves, and they only pray that others may have the same advantages. Again, some petitions come from small well-conducted masses in the manufacturing districts, where the extent of the population has not yet outgrown the means of the church; and where, in consequence, the people, by being taught to know their own privileges, have a just sense of the wants of others. I hold in my hand the letter of the clergyman of Calverley, near Bradford, in Yorkshire, on transmitting to me one of the petitions which I have already presented:—

"I am sorry," he says, "that it is so late, and that the paper is so soiled; but it is the genuine petition of working clothiers in a small village, who left their looms to sign it."

Again, other petitions which have loaded the table of this House, during the present Session, on this subject, have been sent up from those great towns, where the Christian sees and feels, almost in despair, the spiritual destitution of his poorer brethren. Such is the petition presented by my noble Friend, the Member for North Lancashire (Lord Stanley), from the immense parish of Whalley. Such is that presented by him from Manchester, the result of a great public meeting held there in the winter, and signed by more than ten thousand persons. Such is that presented by my noble Friend, the Member for Liverpool (Viscount Sandon), who has kindly undertaken to second the present motion, a petition, excellent and powerful in itself, and, like that of Manchester, the result of a great public meeting. I may refer, in the same manner, to those from Birmingham; and to those, also, from Sheffield and from Leeds, which I have myself presented. And here, let me add, that, in many of these large towns, immense sums have already been raised by voluntary effort, in furtherance of our present object; but those sums, however large, are utterly inadequate to meet the growing wants even of those very towns;—and it is now felt, that nothing but national means can grapple successfully with that which is a national evil.—Again, other petitions are sent forth from great bodies of the clergy, assembled in their ecclesiastical meetings. My hon. Friend, the Member for Wakefield (the hon. Wm. S. Lascelles), presented a very important one, from the archdeacon and clergy of the archdeaconry of Craven, a district comprehending 700,000 souls. I have myself presented those of other archdeaconries, of Sarum, Salop, Dorset, Stafford, Ely, Exeter, and of many other bodies of the Clergy, who have jointly taken into consideration these great wants of our country. The clergy of London, incorporated as the President and Fellows of Sion College, have felt it to be their duty, in like manner, to address this House, urging us to consider and relieve the spiritual destitution, not only of vast districts in other parts of the country, but of the very metropolis in which we are sitting. The venerable Society for promoting Christian Knowledge, at a public meeting, determined to appeal to this House for the same object, and honoured me by entrusting to me their petition. And, lastly, the House has heard the prayer of the two Universities: that presented some time ago, from Cambridge by my right hon. Friend near me (the right hon. H. Goulburn), and that which I reserved to the last, among the 894 petitions committed to my charge, the petition of the chancellor, master, and scholars of the University of Oxford, adopted unanimously in convocation. Let me add, that the petition of that University, addressed to the House last year, and adopted with the same unanimity, was the earliest expression of public opinion in favour of the great object which I now venture to submit to your notice. And what is the general character of the prayer of all these petitioners? The tone, indeed, is different, but the substance is the same. They pray not to be relieved from a burthen, like the larger number of those, who, on other subjects, appeal to us:—not to be continued in the enjoyment of a privilege, or of a secular advantage, lie other classes of petitioners:—not even for an abstract good, the attainment of which is to cost them nothing: like the petitioners who have addressed us on behalf of the Dorsetshire labourers, or of John Thorogood:—but the parties, to whose petitions I am now referring, pray for a good to be purchased, as all men know, by a pecuniary and personal sacrifice which each man must be prepared to share. In this respect the petitions on the present subject differ from all other petitions which I remember; excepting, always, those which covered the table three years ago in support of the system of church-rates, when the parties prayed for the continuance of that, which they knew, indeed, to be in one sense a burthen, but which, though a burthen, they felt to be at the same time a privilege. Those petitions were the most remarkable which, I believe, this House ever received. I make no exception in favour of those which implored us to abolish slavery in the colonies; because I am well aware that the vast majority of the parties who signed such petitions did not foresee that the emancipation of the slaves was to cost such a sum as twenty millions sterling; and that this sum was to be paid out of the taxes upon the people of England. Some, indeed, who foresaw the claim, distinctly denied its obligation. The character of the petitions now on the table is, therefore, all but unique. The fact of petitions being presented is, indeed, the pre-requisite, which the right hon. Baronet, the Member for Nottingham (Sir John C. Hobhouse), desired in 1824, as the condition of his vote, when the subject was last before the House. "Would the right hon. Gentleman say," (he referred to Mr. Vansittart, now Lord Bexley), "that the grant was required by any call on the part of the people of England for additional accommodation for the purposes of religious worship? There had been no such call. There had not been a single petition presented on the subject."* I claim the vote of the right hon. Baronet upon his own principles; as I shall hereafter show that I have a right to claim the votes of others, his colleagues, in virtue of other declarations which they have made. But I resume. What do the petitioners ask? In different forms, but with one end and aim, they ask for all the people increased means of religious worship and public instruction in the Established Church. On what grounds do they ask this? Summarily on these:—That the fabrics of the existing churches were adapted to the small population of a distant age. Without entering into any antiquarian disquisition, I may assume that the average date of the erection of the parish churches now in England is about the middle of the reign of Edward the Third, the middle of the fourteenth century; at which time, the population of this country was probably under four millions. That the population has out-grown the church-room. The population of England and Wales in 1700 was 5,475,000. It increased about a million in the first half of the last century; and it increased about two millions in the latter half. But from 1800 the very increase exceeds the whole population of the country as it existed in 1700. That increase has been more than six millions and a half; and there has been no adequate increase, there has scarcely been a measurable increase, in the means of public worship and instruction. It is obvious, therefore, at a glance, that accommodation sufficient for the wants cf four millions must, taking numbers only into the account, though there are other important elements in the consideration, be wholly incommensurate with the wants of sixteen millions. That the evil of the existing disproportion between the numbers of the people and the means of the Church to receive them is increased by its being partial. The advance of the population has not been equable over England. In many rural districts it has not even yet outgrown the accommodation provided in the parish churches; but, in large towns, it has long fearfully predominated over all the means of pastoral care and instruction which the Church possessed. One third of the population is to be found in those towns, the population of which exceeds ten thousand; the population of almost all such towns having doubled in the present century; and scarcely any provision, none at all in proportion, having been any where made to meet the highest wants of these our fellow-creatures, or to infuse any light or any knowledge into the dark swelling masses around. Even in the metropolis, under the eyes of Parliament, what has been the case for the last century and a half? In 1712, Burnet describes two hundred thousand persons then in London as destitute of any means of public worship or instruction. It formed the subject of Parliamentary inquiry in this House, in 1711: and the number then described in the journals is still greater:—" there will be about 342,000 (being two-thirds of the whole number of souls), for whom no churches are as yet provided." We know the result: fifty new churches were ordered; but I might almost state, that a generation passed away before even half the number were finished: the whole number were never begun. That the evil of this excess of the population above the means of the Church is increased, not only by its being partial in respect to localities, but by its being inflicted, chiefly, if not exclusively, on the poorer classes. It is an evil specially affecting the poor. It is not merely an evil felt in Northamptonshire or Dorsetshire, in Lancashire or in Cheshire; but wherever it is felt, it is felt by the poor, chiefly, or, I repeat it, almost exclusively. The rich, who can pay for their accommodation, may support proprietary chapels; but the poor, when excluded from their parish church, and deprived of those opportunities of public worship and religious instruction which the Church ought to be enabled to offer freely to all, can only look to those, whom the providence of God has entrusted with the means, and to whom therefore he has committed the duty, of relieving such wants. I trust that they may not look in vain to this House. "It is a fearful experiment," say the Liverpool petitioners, "to try how large a portion of the people can be safely left without the pale of Christian institutions. And it is an act of the most grievous injustice, to resolve that such experiment shall be made at the cost of the poorer classes, who can do little to help themselves, and on whom penal measures, whenever necessary, are apt to fall with peculiar weight and severity." As the University of Oxford, followed by other petitioners, state,—" it belongs to the very essence of a national church, that her spiritual ministrations should be co-extensive with the spiritual wants of the whole community; offered freely to all men, though not enforced upon any one:" that, notwithstanding this truth, " a large proportion of the people are altogether excluded, without their consent or fault, from her public worship, religious instruction, and pastoral superintendence. That this spiritual destitution, which is ever least regarded by those to whom it is most pernicious, has chiefly befallen districts the least capable, even if they felt the want, of supplying the remedy." The petition from the University of Oxford proceeds to state the social mischiefs hence arising; and adds, that the result is a national evil; and that " it ill becomes a great and wealthy people to rest for the supply of a national want either upon private liberality, or upon the voluntary efforts of those poorer districts in which the want especially prevails." The nation ought to enable the Church which it calls national, to offer its ministrations to all. Its duty is its interest. Wherever spiritual destitution prevails, there prevail, not only private vice and demoralisation, but political excesses and public turbulence,—in South Wales, in Monmouthshire, in the West Riding of Yorkshire. Wherever you find the absence of religious worship and instruction, there you find vice and evil; and wherever, on the contrary, you find a well-organised parish, with the legitimate influence of pastoral superintendence, there you will find, as a necessary consequence, the fruits of order, peace, and well-living. The petitions which proceed from districts near the scene of the late insurrection in South Wales, (I refer particularly, to some petitions from Monmouthshire and Herefordshire,) distinctly specify the absence of religious instruction as the great source of political disorder as well as of private misconduct. And here let me also observe, that it is from the scenes of the late insurrection that the petitions, which, with one exception, have been the most numerously signed against my present motion, have proceeded. It is a truth, never to be forgotten in the consideration of this subject, that those, who most need the instructions of religion, are themselves the least sensible of the want: and, in reference to this principle, it is worth remarking, that the numbers in the county of Monmouth, with its 100,000 souls, who have petitioned this House against any national extension of the national Church, are greater, not only in proportion to the population, but absolutely, and, in fact, than in the four metropolitan counties, with their two millions and a half. When I talk of the numbers, who have signed what are called anti-church-extension petitions, I ought to add, what, indeed, may be the boast of some who present them, that they include persons of all religions—I might, without uncharitableness, say, of all and of none. I have now stated, summarily, the number of the petitions in favour of my motion; the difference, and distinctness, of the places and classes, whence they proceed: the peculiarity of their prayer, in asking that, the grant of which is to impose a pecuniary burthen upon themselves:—the ground of their prayer, arising from the facts, that the population has outgrown the Church; that the want is greatest where the masses of the people are the densest and the poorest; and that in consequence the people are demoralised, and the foundations of the public peace are shaken; independently of the far higher interests involved in the care of the souls of immortal myriads. And what is the answer to those, who, on such grounds, petition this House to relieve the spiritual destitution of their fellow-countrymen? I will endeavour to collect it fairly,—partly from the counter-petitions already on the table, and partly from speeches delivered here, or elsewhere, in reference to this and to kindred subjects. We are told, then, that the State has no duty in the matter: that the nation has no conscience: that religion is an affair between God and the individual; and that the government of a country ought not to intermeddle with it: that, accordingly, the State of England has not hitherto acted upon this alleged duty;—[the amendment, which, in reference to the present motion, the hon. Member for Kilkenny (Mr. Hume) has entered on the paper, begs her Majesty to consider that the bulk of the property held by the Established Church consists of endowments made by various sovereigns and by " other individuals:"] that the State, as such, has not, with a few and late exceptions, built the existing churches: that the State did not endow them; that individuals had built them; and individuals had endowed them: and it should be left to individuals to do the same now; that the above being true, if all the people were of one mind, it becomes more palpably true, when it is known that a large proportion of the people (a petition, presented to-night by the hon. Member for Kilkenny, stated, that the larger portion of the people of England were not members of the Established Church;—another petition says, an overwhelming majority) are hostile to the Church. The ministers of the three denominations, I think, describe the Church as "a manifest minority;" and a petition, which I recollect to have been presented by the hon. Member for Lambeth (Mr. Hawes), in like manner, calls the Church "an unquestionable minority." They go on to state, that it is unjust to tax Dissenters, being not only Dissenters, but the majority of the people, for purposes which they do not require; and, far more unjust, to tax them for purposes, to which such "an overwhelming majority of the people are conscientiously opposed;"—that it not being the duty of any government, in any case, and it being unjust in the actual case of England, to build and endow churches at the public expense, it is unnecessary, also, in consequence, first, of the enormous wealth of the Established Church, "the most amply endowed Church on the face of the earth," says one petition;—"the richest in Christendom," says another; the re-distribution of which wealth, or the better management of the sources of which, say many of the petitions, would supply all that could be needed; or, secondly (even if this were not so), in consequence of the "splendid achievements" of the voluntary principle, "in our own country, during the present age:" by which splendid achievements it has been shown, how much people will do for the spiritual good of themselves; how much people will do for the spiritual good of others; how certainly religious instruction will be provided by the wise and rich for the ignorant and poor. At all events, say the political economists, the supply will always keep pace with the demand: it is of no use to force the market: if churches are wanted (said the hon. Member for Kilkenny, on a former occasion), churches will be built. [Mr. *Hume*: "Hear, hear!"] He cheers his own doctrine, now. If churches are not wanted, they will not be filled. I have endeavoured to state, briefly, and fairly, the sum of all the objections which I have heard, or read, against the present motion. They are directed, as the House will observe, against the means which I desire to employ in order to relieve a great and admitted evil:—the existence of that evil none deny; and few regard its extent to have been exaggerated. The importance, therefore, of the object I may assume as recognised, even by those who are prepared, on the grounds already stated, to resist the attainment of that object by the means which I propose. What is the answer to their first objection, their objection on the principle, namely, that the State has no conscience, and, therefore, has no duty in the matter?—My answer is, that, whether the State have, or have not, a conscience [I will not pursue the subject as set forth in the remarkable and admirable book of my hon. Friend, the Member for Newark, Mr. W. E. Gladstone], each individual has a conscience. All power is given by God to be used to His glory; to the advancement of His church; to the welfare of His people; and, especially, to the good of the poor in Christ. Influence is power. In every position of life, each man is bound to use all his power and all his influence, to promote these objects. Let no one, then, shelter himself under the delusion, that, though this might be true in private life, and though he might admit it in his own case while sitting in his own room it ceased to be true when he was invested with power and influence as a legislator in this House. He carries his responsibility with him. He is bound every where to promote the glory of God, and the good of his fellow-creatures; and if to promote their temporal advantages, still more to care for their souls, and to provide for their spiritual destitution. I think, and trust, that few will rise up and deny the general proposition; and if all men who felt its truth, would act upon it, and would give their votes accordingly this night, the majority, which I might expect, would satisfy my warmest hopes; since, in truth, I hardly know where I could find the minority. This is my answer to the first objection which has been urged elsewhere against my motion, and which is to be repeated, I presume, here to-night. To the objection upon principle, succeeds the objection upon precedent: "the State of England has not hitherto discharged this alleged duty." My reply is, that it is too late to urge such an objection. The State of England has built churches for the people, and has endowed those churches: the State has done just enough to overturn this argument, but not enough to fulfil its own duties to God and the people. I have already quoted from the journals the resolution of this House in 1711; and have alluded to the Act founded thereon for erecting fifty new churches in the metropolis. However imperfectly the work was done, it recognised the principle that the nation was bound to provide for the people in a given district a church in proportion to their numbers; and to convey religious instruction to the nation through the means of the National Church. The same principle was recognised in certain Acts of King George the 1st. A long and sad neglect, the source of almost all our present evils, succeeded, extending through almost the whole reign even of King George the 3rd. At length, in the year 1809 (the first year of the administration of Mr. Perceval, a name which I can never mention without respect and gratitude), he recalled the attention of the country to their duty; and then commenced, and for eleven years continued, an annual grant of 100,000*l.* for the purpose of increasing the poorer livings of England, and thereby promoting the benefits of a resident pastoral superintendence of the people. Though, in the necessity, which I regret to feel, of trespassing largely upon the time of the House, in endeavouring to bring this great subject justly before them, I am unwilling to read many extracts to them, I yet think myself justified in referring to this transaction in the eloquent language of a living prelate:—

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* From a corrected report.

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* Hansard, vol. xi. New Series, p. 334.

> "It is within the memory of many of us, that, for eleven years, the annual sum of 100,000*l.* was granted by Parliament towards endowing and augmenting poor benefices in populous places; and had it not been for this grant, the Forest of Dean, as well as some other parts of our own diocese, instead of enjoying the pastoral ministrations of our Church for nearly twenty years, would have continued in a state little removed from heathenism. I must add, that this measure was first adopted at a time when the public burthens pressed with a far heavier weight upon the community than they do at present; when the nation was engaged in a fearful and perilous contest; when the most gigantic power known in modern history, was combined against our national independence, under a mighty conqueror, whose talents and ambition are hardly paralleled among the children of men. Yet, at that time, when the argument for economy was far more cogent than at present, and when party heats and animosities were as great as at any other period, I find, that this grant was decreed with the marked and unanimous approbation of all parties in the House of Commons."

But I hasten on to other facts, which equally prove that I am not endeavouring to impose a new duty on the State of England; but merely re-urging an old and acknowledged, though imperfectly discharged obligation. In 1818, the late Lord Liverpool, roused to the consideration of the subject by the celebrated work of the rev. R. Yates, proposed the grant of a million in aid of the erection and endowment of churches and chapels in populous places. That grant passed in this House, without a division*, the hon. Member for Kilkenny, then as now, being present. The same Minister proposed, for similar purposes, a grant of 500,000*l.* in the year 1824. That grant also, though not without discussion and divisions, passed both Houses of Parliament. Again, other aid was given in Scotland to relieve the spiritual destitution in its Highlands and Islands. Now, though all your exertions have utterly failed to overtake the march of population, though, after all, you have not provided for more than one in twenty, even of the increase in your numbers, since the commencement of those exertions, you have at least in them, and by them, recognised the principle, that it is the duty of the nation to provide for those who cannot otherwise obtain it, the blessing of the means of religious worship and public instruction. I turn to another objection—to the objection founded on the alleged fact, that those who dissent from the Church, are "the overwhelming majority of the people;" and that, therefore, it is most unjust to tax them in support of the religion of the minority. On the value of numbers as a test of truth, I will not enter; nor, at this moment, on the duty of a State, in respect to its own estimate of truth irrespective of numbers altogether. But, as the argument from the numbers of those who dissent from the Church is very prominent in their own petitions and in the speeches of their advocates, and forms what is sometimes called a reason and is always very like a threat, I will endeavour to prove to the House that this alleged fact is grossly mis-stated. I admit that the Dissenters are noisy enough, if that would prove their numbers; but, statistically, I deny the fact. It is very true, that there is no actual census of the kingdom according to religious denominations. It is equally true, that there is not even a return of their respective places of worship. I endeavoured last year and do not abandon the attempt to ascertain that point more accurately; but, at present, the number of Dissenters is, I admit, to be collected not by actual returns, either of the population as such, or even of their places of worship; but, inferentially only, from a deduction of various particulars. First, from the number of their chapels: the noble Lord opposite (Lord J. Russell) stated last year, on the 12th of February, 1839, that the number of their chapels in England and Wales was about 10,000. The hon. and learned Member for the city of Dublin (Mr. O'Connell) in a paper, which I hold in my hand bearing his signature, and sent, I presume, to every other Member as well as to me, states that the number of Roman Catholic and Dissenting chapels in England and Wales is 9,000. The only Parliamentary return, I believe, on this subject is one moved for in 1836, by my noble Friend, the Member for the city of Durham (Viscount Dungannon), then Mr. Arthur Trevor. The total number in that return, deducting London, is 26,260. But the House should recollect, that Mr. Arthur Trevor's return gives not merely chapels, but licensed rooms;—and not only those existing in use at its date, but those in respect to which a licence was ever granted; there being no return made to any office, shewing that any place so licensed as a place of worship was either continued or discontinued as such. In the diocese of Ely, the return includes all places licensed during the hundred years, from 1736 to 1836: in Warwickshire, and, I think, some other places, all from the Revolution of 1689 downwards. Then as to the proportion of those still used, the Leicester return, which gives 312 as the number licensed for Dissenting worship since 1812, states, that less than one-third are now so used: the Ely return states, that, in that diocese, not above one-fifteenth (of the number 349) are probably now used for the purposes for which they were registered. Secondly, I draw a conclusion as to the number of Dissenters in England and Wales, from the quality of the places, in respect to which licences for public worship have been asked and obtained; whether such places are, or are not, at this moment used as such. Several of the reports included in Mr. Arthur Trevor's return, state, that the larger number included as licensed are not distinct buildings, or meeting houses, but "rooms in private houses,"—"barns, stables, shops, or places of any other kind."—"A summer house in a garden belonging to the dwelling house of John Hunt, in St. John Sepulchre (now the Ebenezer Chapel)."—"John Golden, a room in his dwelling house in Pockthorpe, opposite the Jolly Sportsman." The Axbridge return, specifies "one dwelling house licensed 'Baptist Meeting;' and, also, licensed to sell beer, &c., by retail." I mention this not to cast ridicule on the individuals; but, for self-defence, to resist the inference which is drawn from the mere list of Dissenting places of worship, as shewing alike the activity and the numbers of their congregations, in opposition to the Church. I again deny their superior numbers; and the argument which they found upon it. Even where their places of worship are distinct buildings, exclusively appropriated as such, the numerical preponderance of Dissenters over the Church cannot be sustained by any argument founded on the size of such chapels or meeting houses. Even in London, they do not give more than an average of 500 sittings; or 631, according to a writer in the Congregational Magazine: and the aggregate number of sittings as claimed by the same authority for the metropolis and its environs, is only 257,658. But such an average would, I think, be greatly too high. In Maitland's able work on the Voluntary System, I find transcribed five advertisements of Dissenting chapels on sale; they are in the outskirts of London; and I find the average is only 300. In Lambeth, indeed, the Independents lay claim to 700; and the Baptists to 500 sittings in each chapel. But the general average must be taken from the surface of the whole country. In Lancashire, according to the returns of 1831, to which I shall presently advert more particularly, the average is 432. What, however, said Dr. Bowring, in a debate in this House, continued for some time, and in which many leading Members took a part, when there was no motive to extend the number of worshippers attached to Dissenting chapels?—[It was on a clause in the Marriage Bill requiring twenty householders to certify, that they desired that their chapel might be registered as a place for the solemnisation of marriages.]—He resisted the clause, and divided the House, on the ground that "there are some hundreds of Dissenting places of worship which have been in existence for several generations, among the congregations of which it would not be possible to find twenty householders." The statement of the great number of the Dissenters in England is further disproved, or, at least, impugned—1. by the number of their contributors, and, 2. by the amount of their contributions, to objects purely benevolent; I mean, of course, to such as are not directly connected with the diffusion of worship or instruction. Take, for example, an infirmary or hospital. Take the number of contributors, Churchmen and Dissenters, to an infirmary:—

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* The only division was on a clause which Sir William Scott proposed to expunge from the bill, and which was expunged accordingly. —Hansard, vol. xxxviii. p. 426.

In Wiltshire, the Churchmen are . .	16 to 1 Dissenter.	
In Gloucester .	30 to 1	543 to 18.
In Durham, above	15 to 1	161 to 11.
In Exeter, above .	12 to 1	645 to 51.
In Bedford .	15 to 1	

In Leeds [I see the hon. Member for Leeds (Mr. Baines) opposite; he will correct me, if I mis-state the fact; the proportion is more in favour of the Dissenters there than in the other places which I have quoted]—in Leeds, the Churchmen do not outnumber the Dissenters, as contributors to the infirmary, in a greater proportion than as being rather more than three-fourths of the whole. Again, take the amount of contributions, as well as the number of contributors. Why, in the cathedral of Salisbury alone, more was raised for the County Infirmary in one day than in all the Dissenting chapels throughout the county. "The funds being deficient, a collection was made on the Fast-day throughout the county, in most of the churches, after the morning service only; and in the Dissenting chapels generally, after the morning and evening service. The result was:

	£.	s.	d.
"Collected at the cathedral .	79	19	8
Different churches .	1124	6	6
Dissenting chapels .	73	18	11"

I say, either the Dissenters have exaggerated their numbers, or their benevolence is not in proportion to their numbers. [*An hon. Member*: "But the Dissenters are poorer."] Be it so. The distinction which I have just pointed out may be called an aristocratic an invidious test of their numbers; the numbers being the sole point at issue. But I think that I have an answer to the hon. Gentleman who has made the observation: I can give him a less objectionable test of the number of those who dissent from the Church. In all England, according to returns, which the House granted on my motion two years ago, the whole number of marriages solemnised—though that is not the word to be applied to any unions contracted without the least reference to God, or his word—[Mr. *Hawes*. "Oh, oh!"]—Does the hon. Member for Lambeth mean that a marriage contracted before a registrar has any the least reference to God, or his word? Is it not purposely, avowedly, and by privilege, a purely civil contract, like any bargain and sale? And such marriages are some of those included in the returns, which I was about to quote, of marriages—the whole number performed and celebrated without the services of the Church, was 4088; whereas, in London alone, within the Bills of Mortality, the number solemnised according to the rites of the Church, in exactly the same period of time, was 6032. And now I defy you to resist my conclusion; either the Dissenters exaggerate their numbers now, or they exaggerated their grievances, when, three or four years ago, they prevailed on this House, in deference to the scruples of conscience which they urged, to recognise as valid a marriage without the sanctions of religion; and for the first time in the history of England, except only in the days of the Great Rebellion, to separate from the chief tie of human society any reference to the blessing of Almighty God. I have, however, another and more direct proof that the Dissenters do not form the majority, or anything like the majority, of the people of England and Wales, however great their noise and activity may be, in proportion to their numbers. Some years ago, the hon. and learned Member for the city of Dublin (Mr. O'Connell) moved for certain returns, connected with the religious statistics of the country. Each denomination of dissent was returned by its own minister; and the priests of the Church of Rome returned the numbers of their flocks. Unhappily, all these returns perished in the fire of 1834. Happily, however, one of them had been already printed. It is the return for Lancashire. Why it was selected for printing I cannot, of course, state: possibly, it was thought to be the most favourable for the object, in reference to which all were moved for. I am content with it. I must observe, that above one-eleventh of the county of Lancaster made no return. Now, out of a population at that time stated to consist of

1,052,859, what was the amount claimed by the Church of Rome—recollect in Lancashire—and by all sects dissenting from the Church of England, conjointly? The number returned was only 255,411; add to this the same proportion, out of the parishes making no return, which is found in the others; add, accordingly, 26,478; and you obtain a total claimed as belonging to others, and not to the Church, a total of 281,889; nothing like a third, though exceeding a fourth, in this county, in which pre-eminently, if anywhere in England, it might have been supposed that those who differed from the Church of England might have claimed and formed the majority. Now, I appeal to the hon. Gentlemen opposite, if you admit that the remainder not claimed by you belong to the Church, this shows the manifest minority of those who do not belong to the Church; and therefore, destroys your own argument from your alleged majority of numbers. If, on the other hand, you reply, that they do not belong to the Church, inasmuch as they have no religion at all, you prove my case and justify my motion, more conclusively than by any other argument, inasmuch as you prove the urgent and overwhelming want of the means of increased religious instruction and worship. You cannot escape from this dilemma. Either the Church of the State comprehends the overwhelming majority of the people, and, in that case, by every rule of Government, the State must act on its own sense of duty without reference to the opposition of a minority: or all your own voluntary efforts, and all the authorised instructions of the Church, have alike proved lamentably and hopelessly inadequate to meet the wants of the people; and frightful masses of ignorance and irreligion have been left, which no means hitherto applied have been sufficient to enlighten. You cannot escape from the alternative, One more observation on this subject:—There is an authority which you highly value on political economy. Will you take his opinion as to the number of Dissenters in England and Wales? Mr. M'Culloch says, that the number, including Roman Catholics, is 2,700,000, or, at most, 3,000,000; or, deducting Roman Catholics, whom he reckons at 500,000, he gives 2,500,000 as the aggregate of Protestant Dissenters. I have pursued this subject of numbers perhaps too far; but I know how much, on this and on other questions, an appeal to numbers is a favourite and too powerful an argument; and I felt it to be my duty to deny the fact, and to show to the House that I did not lightly deny it. I trust, indeed, that I have sufficiently shown, that, whatever be the present fate of my motion, the claim of the Dissenters of England to decide the question, because they are the overwhelming majority of the people, and the Church an unquestionable minority, will not, in this House at least, be again urged. What is a government, if the will of a minority be allowed to oppose itself successfully to the will of the majority; and to the actual law, embodying that will? The tastes, the wants, and even the conscience, of an individual (I know the force of that word "conscience," and will revert to it), are not to be the measure of his obedience to a municipal law. As to tastes and wants, how many in every country pay for roads, bridges, (and gaols too, happily,) which they never use? How many pay for policemen for whom they never send. A man, indignant at the demand of a police-tax, as I find the story in a note to my friend Dr. Dealtry's Charge, exclaimed, "I never sent for a policeman in my life." "Neither did I," was the reply; "but yet I pay willingly, because it prevents the necessity of my sending for one." How much was paid by the people of England for the Caledonian Canal? How much has been paid by all the home subjects of the Crown for the Rideau Canal? Do I blame the expenditure on either head? No: I refer to them only to show that the doctrine,—that no man is to pay for that which he does not distinctly and individually require,—is destructive of all government. I advert for a moment to another expense—in some degree connected with religion, and, consequently, with conscience,—which the demands of the Dissenters, chiefly, brought upon the country, but which, as involving mere expense, none of us have ever resisted; I mean, the whim, if it were not worse, of registering births, and, thereby, so far as it went, tending to supersede the sense of the obligation of baptism, by superseding the necessity of its registry. What is the cost of this new system of the Registration of Births? and how much of that cost is Churchmen's money? We objected to the principle; but, being defeated, we submit to the payment. A more stirring subject remains: I refer to the great question of National Education. A large body of the people of England opposed the Government measure last year on the subject. This House was divided upon it; one of the largest minorities ever known, consisting of 300 members, on conscientious grounds, opposed the grant. Those who felt with them, and who formed the majority in the other House of Parliament, induced that House to address the Queen upon the subject. Public bodies petitioned the Crown. But in this House the Ministers had a majority of 2. Did they recognise the rights of conscience in the minority? Did they respect their scruples? Did they not say in substance." You have nothing to do with taxes but to pay them, and with laws but to obey them?" I am, therefore, entitled on every ground to state, that the essential functions of a government is destroyed, if it do not enforce its own will upon all its subjects. The supreme power of a state may be in the hands of one, or in the hands of many; but, wherever it is lodged, it must have this right. If it were to yield to a large minority, it must, on the same principle, yield to a smaller; it must yield to ten, or to two individuals, if their conscience were to be admitted as the measure of their obedience. But is conscience to be allowed to be a plea for every thing?—Are Quakers, in England, permitted to escape payment of war-taxes? Is there any hon. Gentleman opposite who will tell me, that conscience is an excuse for every thing? Is there not something above conscience? is conscience always enlightened? Has not God enabled us to try our conscience by His word and truth? Did not those, who thought that they were doing God service, commit nevertheless, what every one of us admits to be, a great crime? And always when we plead conscience, let us be quite sure, that our conscience is in our hearts, and not in our pockets. A reference has been made to what I said on a former occasion on the question of conscience. I then said, and I now repeat, that I will never voluntarily give sixpence for teaching as the word of God, that which I believe not to be the word of God. To that principle I adhere: but though I will give nothing, I will pay every thing which the law of my own country requires me to pay. I stated before, and I state now, that every supreme authority has the right to establish any form of public worship which it thinks proper. I stated before that I conceded the same right to the Sultan at Constantinople, which I claim for the supreme power of England. I hold the Sultan to be at perfect liberty to impose a tax upon all the property in his empire for the maintenance of Islam, and of the mosques of Islam; and if I had land in Turkey, my course would be clear,—namely, to pay the tax, or to leave the country. If, indeed, the imposition were personal; if the act required were personal; if a heathen emperor required me to sacrifice to Jupiter, I know what my duty would be; though I know, also, that God only could give me grace and strength to discharge it; but in the present case, in the case of a tax to build churches in England, no man is taxed as a Dissenter or a Roman Catholic, but as a subject; and in proportion to his wealth, and not in reference to his creed. The tax is laid not upon persons, but upon property; not upon Dissenters as such, but upon an acre, or on a house, which, by whomsoever cultivated, or occupied, would always pay exactly the same sum. As a general principle, observe, too, that the law of England does not presume dissent; the constitution of England does not presume dissent; the writ of summons does not presume dissent: on the contrary, the Parliament is summoned, in consent and sympathy, to consult for the good of the realm and of the Church, *de arduis negotiis Regni et Ecclesiæ:* and, at this moment, the great body of this House, five hundred members still, are members of the Church of England. I have already stated my belief, and my reasons for the belief, that the great body also of the people of England, whom we represent, are themselves members of the Church. Then, as to the objection which is urged against my present motion, from the argument—" that the wealth of the Church is enormous, and might supply all the need of all the people," I reply, that the wealth of the Church, as actually levied to-day, is not enormous. What the wealth of the Church might have been, if all had remained with it, it is not easy to say. I remember that Warner, in his *Western Counties,* states, that the aggregate income of the estates of the Abbey of Glastonbury, if kept together to his day, at the end of the last century, would then have been about 500,000*l.* per annum. But two-thirds of the ecclesiastical revenues of England were transferred to the Crown or to lay subjects at the Reformation; and the remainder furnishes a scanty income to many; and if it were equally divided among all, would scarcely furnish a decent provision for any, At this time, the income of 3,528 livings of England is under 150*l.*, and some vicarages are under 5*l.* per annum.* The average of all the livings of England is only 242*l.*; while even the hon. Member opposite (Mr. Hume) admitted, when we were discussing, a few years ago, the case of the Irish clergy, with a view to a better provision for them, that the income of none ought to be less than 300*l.* The aggregate income of all the prelacy of England, if all were thrown into the funds of the parochial clergy, would not add a sum of 16*l.* per annum to each of the livings in England. The whole amount of all ecclesiastical property in England and Wales, divided among the fifteen or sixteen thousand priests of the Church, is not 3,500,000*l.* per annum. It is very true, that this aggregate is very unequally divided. I, for one, do not object to the inequality. On principle, I see reason to prefer it: but those who object to it must recollect, that the advowsons of one-third of all the livings of England are in lay hands; and that the richest livings in England, Doddington, for instance (an estate bill in reference to which parish is now passing through this House), and Winwick, are, as advowsons, quite as much the property of laymen as their manors or broad lands. Other livings, large and small, are daily bought and sold in the market; an abuse, if you please; and I cordially admit it; but an abuse sanctioned by the law for three centuries, and not to be corrected at the expense of private property, without giving compensation to the holders. If, without giving compensation to the holder of the advowson of a large living so purchased in the market, you take a certain proportion from the income of that large living, in order to give it to a small living, which, like the other, has been openly purchased in the market, you violate the security upon which any man holds any property: if, on the other hand, you give, as you are bound to give, a just compensation, the nation is paying, and is therefore taxed, as much as it would be paying and would be taxed, in order to secure that increase in the number of churches, ministers, and parochial districts, which it is the object of my motion to supply. What I have last submitted to the House is, in part, an answer to the objection — "distribute better the wealth of the Church, and you meet the spiritual destitution of which you complain:" but the objection refers, also, to a new and distinct management of the sources of that wealth;—"by a different management more might be raised—enough for all spiritual purposes might be raised, without taxing the people of England." It is impossible on this occasion to enter fully into the question of Church-leases, the object here pointed at. It is enough to say, that, admitting the assumption that much more might be raised in the shape of rent from a given property by changing its tenure, as has been proposed in the matter of Church-leases, such change implies not merely taking away from landlords as legal holders of property their management of such property (this in the case actually before you, you would not much mind), but also, taking away from tenants their beneficial interest in such tenures, which, I believe, some of you would much mind. After all, the Church, meaning, thereby, as you mean, ecclesiastical bodies, aggregate or sole, has, as distinct from other Christians, no duty and no interest in Church-extension. Do you tax the generals for barracks, or the judges for gaols? Tax the clergy as you tax others, *in aid*, but do not tax them exclusively, and as a class. Yet we have been told, even by a bishop,—"wait, before you apply to Parliament for assistance in this matter—wait, till it is seen what the Church will do." In the first place, the Church is not a body of ecclesiastics, but of all faithful men. In the next place, what is the duty of Durham to provide the means of Church-extension in Monmouthshire? The principle, at the very utmost, must be limited to the claim which poverty has upon property, and to the correlative duty which property owes to poverty; and will, therefore, go no farther than to require Durham, for instance, to provide for Durham, and to authorise you to re-distribute the ecclesiastical income of the chapter of Durham over the parishes whence it arises. Church-reform is the object of the bill, to which I am now alluding; Church extension is the object of my motion. They are not only not necessarily connected, but there is no connexion at all in principle; and, as to the practical effect of Church-reform, I have already stated, that the annihilation of the whole prelacy of England would only add 16*l.* per annum, to each living. The purport of the bill before the House, the Ecclesiastical Duties and Revenues Bill, is

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* Glover's Queen Anne's Bounty. He mentions one vicarage of 2*l.* 13*s.* 4*d.*—p. 50.

the augmentation of small livings already existing; Church-extension has reference to new fabrics, new endowments, new parochial districts. But it is said, that any such National grant, and, consequently, any such taxation, is unnecessary, in consequence of "the glorious triumphs," "the splendid achievements," of the voluntary principle. Now, in the first place, I do not deny the value of the voluntary principle, or its efficiency in the infancy of the Church. I admit, that in the first and earliest age it furnished the support of the Christian Church, though it never furnished the support of God's earlier Church under the elder dispensation. Every one knows, that, under the Jewish economy, though there were free-will offerings, there were also, in regular succession, not only tithes, but other payments, in money, and in kind. And though, in the first day of the Church, when apostles received the gifts of the people, and could, at the same moment, discern their thoughts and hearts, and could, accordingly, discriminate between a Barnabas, who having land, sold it and brought the money and laid it at their feet, and an Ananias who, professing to do the same, kept back part of the price of his possession, the Church might well rely on support so given, and so received; yet, when this power ceased, and when men were left to the ordinary operation of human motives and human control, and when men were settled in Christian communities,—fixed oblations, and, at no distant time, tithes and yearly dues became the stated and regular support of the Church. Unless, then, you can return to the days of the apostles, with their power, also, the analogy is futile, as proving that the voluntary principle is all-sufficient. I admit, however, that, in this and in every age, it ought to be invoked in aid. But I contend that, in no age, and in no country, since the days of the Apostles, has it ever been tried, as in itself, all-sufficient for the support and maintenance of religion, except in the single instance of the United States of America. You can produce no other instance from the first age to the Reformation, and none from the Reformation to this day. Now, how has this principle worked in the United States? Has it, in the first place, provided a minister for every Church? I take the word Church as I find it in their own returns, meaning not always, I believe, a fabric, but a congregation. Now, by those returns, there are, within the Confederation, 15,000 churches; there are, of all denominations, 10,800 ministers, leaving unprovided for, 4,200 churches. How are these churches situated? over an area of 636,000 square miles. And when you are considering the adequacy of this supply, recollect that the area to be covered by it is about twelve times the area of England; and, then, judge, whether the voluntary principle has been safely entrusted with the spiritual charge of such a continent? I might ask, how are the ministers paid; and, above all, how are the people taught? I mean, excepting in the case of the old Eastern states, where, in many cases, endowments made before the revolution are retained, and where an old established parochial system is traced, so far as the episcopal framework subsists. But, on the general view of the larger part of the states, I will compress all which I desire to say, as conveying the effect and working of the whole system, in the words of a late traveller, the rev. Samuel J. Mills.

> "Never will the impression be erased from my heart, that has been made by beholding those scenes of wide-spreading desolation—The whole country, from Lake Erie to the Gulph of Mexico, is as the valley of the shadow of death. Darkness rests upon it. Only here and there a few rays of gospel light pierce through the awful gloom. This vast country contains more than a million of inhabitants. Their number is every year increased by a mighty flood of emigration. Soon they will be as the sands on the sea shore for multitude. Yet there are at present little more than 100 Presbyterian or Congregational ministers in it. Were these ministers equally distributed throughout the country, there would be only one to every 10,000 people. But now there are districts of country containing from twenty to fifty thousand inhabitants entirely destitute. And how shall they hear without a preacher?"

I am justified, then, I think, in asserting that the voluntary principle, in the only instance, America, in which it has been tried nationally, has signally and fatally failed. It has failed in England also,—both among dissenters and churchmen. Among dissenters it has failed, whether we look to the supply of ministers, to the provision for such ministers, or even to the erection of chapels. Abundant evidence on all these points may be found in Maitland's important work on the Voluntary System. I will only add two observations on the subject:—first, many of the meeting-houses of dissent are notoriously built on speculation, and, systematically, on debt: secondly, they may be built any where, and without any restriction, civil or religious, without the control of any priest, bishop, or magistrate. We know how different is the law, and how different is the fact, in reference to the multiplication of the edifices of church worship. Again, a dissenting chapel, if it fail as such, may at once be converted to any other use. Yet, with all these facilities, how inadequate, by their own admission, has been the supply of divine worship under the voluntary system, to the dark places of this land! I admit, as freely, that the voluntary principle has failed in England among churchmen, not less than among dissenters; while again I say, I would always invoke it in aid, though it is utterly inadequate to supply exclusively a national want. For instance, in this very metropolis, in London, in the richest city of the world, its diocesan, whose zeal and whose energy are above all the praise which I could offer, and whom I am permitted to call my friend, appealed four or five years ago, to the wealthy and the great around him, and told them, that, looking to the spiritual destitution of their neighbours, inhabitants of the same city with themselves, 379 new churches at least were required to give the means of public worship and instruction in the establishment, to those who had a right to expect them, by whomsoever to be furnished. But looking also in some degree to the means of worship elsewhere given, though in no degree approaching, even numerically, to an adequate supply—on the contrary, falling in every way short of it, and despairing, certainly, of succeeding to the full extent of his own wishes, which would only have been limited by the wants of his people,—the Bishop of London, our diocesan here, asked for the means of building and scantily endowing no more than fifty churches; he asked for 250,000*l.* In this centre of riches, did he obtain this? He obtained scarcely more than half; till an individual arose, whom also I feel it an honour to call my friend, Mr. William Cotton, who, with energy equal to the occasion, instituted a subscription to relieve the spiritual destitution of one great and neglected locality in the metropolis, Bethnal Green. He asked for 70,000*l.* to build and endow ten new churches in that parish. Thank God, he has already obtained 45,000*l.*; and these churches, added to those raised by the bishop's fund, will probably extend the whole number to forty. But even this, the utmost success which can be anticipated, proves only the utter inadequacy of the voluntary system, under the most favourable circumstances, to supply the wants of a nation. I mention with pleasure other instances of active voluntary exertion in the endeavour to provide free means of worship for the poor. I will begin with a remarkable case of self-denying labour and sacrifice, on the part of a clergyman in a distant part of the country, whom, individually, I do not know; but a memorial from whom to Earl Grey I hold in my hand. I refer to the rev. Hammond Roberson, of Yorkshire. He states,—

> "The income of your Memorialist, as a clergyman, for fifteen years, during which he was regularly employed in the Church, had not averaged forty pounds a year. He had neither patrimony nor prospects. He had a taste for education, and devoted himself thereto; but not so as to forget the sacred obligations of his ordination. The neglected state of Liversedge greatly affected his feelings. In 1802 he purchased five acres and a quarter of land as a probable site for a church and appendages. In 1812, being left without any family engagements, he began to build a church upon what he considered the best possible security—an act of the British Parliament. In 1816 a church was consecrated in Liversedge; and, so far as your Memorialist knows, became part and parcel of the National Church Establishment in these realms; with a hundred free sittings for the poor of the township, an acre of ground well fenced in for a cemetery, a right to the inhabitants to marry, baptize, bury, and register; and to have the doctrines, services, and sacraments of Christ, 'as the Lord hath commanded and as this church and realm hath received the same,' as fully, regularly, and duly administered, as in any parish church in the realm,—and under the same jurisdiction; with four acres of land for the use of the incumbent."

Perhaps there is no other instance of a Church built by the voluntary efforts of a single clergyman who drew no higher income from the ecclesiastical revenue of the country than 40*l.* *per annum.* But in other classes, also, there are honourable instances of those who have felt it to be their duty to bestow a portion of their wealth in promoting the means of church-worship amongst their dependents. I find in the late Mr. Yates's memorable work the following reference to the Earl of Lonsdale:—

> "An instance of this truly patriotic and benevolent regard to the best interests of the State and of humanity has fallen under my own knowledge, in the example afforded by your Lordship's noble and estimable friend, to whose liberality the counties of Cumberland

and Westmoreland have recently been so much indebted; and who, by rebuilding and repairing decayed churches and village chapels upon several parts of his estates, has judiciously and charitably evinced his own respect to the Christian duties, by enabling others to perform them also: and by liberal grants of lands and tithes for endowments, and money for building and repairing parsonage houses, has most humanely and wisely inculcated the important truth, that, as resident parish priests are the most efficient means of extending the civilizing and consolatory principles of Christianity, so the most efficient means of securing a residence beneficial to the parishioners, is to provide for the comforts and respectable maintenance of the minister."

This conduct is not found on one side only. I might well refer to the hon. Member for Middlesex (Mr. Byng), whom I do not now see in his place opposite. I might, also, refer to the late Duke of Bedford, who, feeling that he inherited large estates derived from ecclesiastics, held himself in an especial manner bound to make provision for the enlargement of the means of worship in the Establishment to the dwellers on those estates. But I pass on from individuals, whose unconnected exertions may well have failed, when the labours of societies have been utterly unsuccessful. I have shown how, in the diocese of London, the bishop and his committee have failed in calling forth the voluntary principle to an adequate extent. I could easily show how, in like manner, the voluntary principle, invoked, as it has been, by the Church, in the diocese of Chester, by a prelate of the greatest piety and zeal, following up the labours of the present Bishop of London in that diocese, has also failed. The same result is to be found in the diocese of York. Yet there are not wanting diocesan and local societies in the last named diocese—Bradford, for instance,—Salisbury—Durham, with a branch society at Berwick—Lancashire and Cheshire,—by the aid of which much has been done. In Manchester, large sums have been raised; in Birmingham, 24,000*l.*, with a prospect of increasing it to 40,000*l.*; yet still, all fail in overtaking the demands of a growing population, for whom the nation has neglected to provide the first great element of social life,—religious instruction. There is one fatal peculiarity in the voluntary principle: it fails exactly where the want is the most urgent. The poor in the poorest places are always the chief sufferers, as I have already stated to the House, in quoting the Liverpool petition. Look at the great manufacturing districts in the North; look at the great mining districts in South Wales; look at the densely-peopled towns every where. Who are those excluded from the means of religious worship? Not the rich, not the educated; but the poor and the ignorant; the poor in proportion to their poverty. How many of the poorest in London are at this moment left unprovided by the voluntary system?—At the lowest estimate 600,000 souls. How many in Liverpool?—80,000. How many, even with a smaller population, in Sheffield?—80,000. [*Dissent from Mr. Baines.*] Does the hon. Member deny the fact? I can only state, that I have received the statement from authority which I believe to be conclusive. The same authority assures me, that, till the Parliamentary churches were erected in Sheffield, there were not more than 150 free sittings, as they are called, for the poor in the whole parish of Sheffield. [*Dissent again, from the same hon. Member.*] This is a point upon which, personally, I can know nothing; but it is confirmed by the terms of a petition signed by nearly four thousand persons,—clergy, bankers, merchants, and other inhabitants of that parish,—and which I have myself had the honour of presenting to the House. I am aware that I shall be told (for I have heard of some calculations on the other side of the House upon this subject) that the population of England is so much, and there is room in so many places of religious worship for such a proportion, and, therefore, that there is no great spiritual destitution, taking the whole country together. But, in the first place, what relief is it to a want existing in some densely-peopled manufacturing district, to be told that some church on the mountains of Westmoreland is only half filled: or, to bring the case nearer home, what satisfaction is it to a person—one of the hundreds of thousands, around these very walls, who have no means of spiritual instruction, to be told, that there are empty pews in several churches in the city part of the metropolis? And this leads me to another view of the subject, in which, indeed, it has not hitherto been regarded; but in which, as it appears to me, its importance is seen in the strongest light. And I wish, specially, to call the attention of the noble Lord opposite (Lord J. Russell) to it. My noble Friend, I assure him, will find it not unworthy of his notice. The strength, then, of my position is this, that neither by the organisation of the Church, nor by the voluntary efforts of Dissenters, nor by both, in all their energy, can the extent of the evil of the spiritual destitution of the nation, in its larger and more helpless classes, be adequately met and relieved; and, therefore, it is, that I call upon the nation,—I call upon the noble Lord who, in this House, represents the Government, and directs the resources of the nation,—to provide national means for relieving a national want and redressing a national evil. I have already noticed, that all the statistics which the House has as yet seen or heard, in reference to the deficiency of church accommodation, and to the consequent duty of church extension, have gone no farther than to show, that in a given district of a given population, there is in so many churches, room for so many people. But a vital element in the consideration has been omitted. We have never been told, what are the proportions between rich and poor even in that small number so admitted. We have never been told what proportion of the sittings are appropriated to the rich, and what are free to the poor. We have no such return throughout England; but, through the kindness of a right rev. Prelate (the Bishop of Ripon), in communicating to me the results of his inquiries in his own important diocese, and through the kindness of another individual (Mr. Jowett) much and usefully employed on this subject, and who has analysed those results, I am enabled to submit to the House some facts which, to myself at least, were equally new and startling. I hold in my hand the returns from the two archdeaconries of Richmond and Craven; in which the parishes are divided into classes, according to the proportion of free sittings, in comparison with the population, found in each: (—as, for instance, in Craven, twenty-six parishes or districts, with free seats above 200, and not exceeding 300:—) I will not trouble the House with the details. It is sufficient for me to give the last item in the return from each archdeaconry. In Richmond, then, there are thirteen parishes or districts, containing 13,499 souls, with not one free sitting. In the archdeaconry of Craven, there are thirty-five parishes, or districts, containing an aggregate of 181,405 souls, with not one free sitting. I may take the opportunity of adding, that there are forty other parishes or districts in this archdeaconry, with a population amounting to 117,302, in which the average number of free sittings in the churches does not exceed 100, and, in by far the greater part, does not exceed fifty: not to notice, that there are several large townships (for instance, in the parishes of Halifax and Bradford) with no church accommodation whatever, and which have not been taken into the above calculation. After this, can we say, that the nation has done its duty? Can we say, that, as Christians, we have done our duty? Can we say, that the distinctive character of Christianity—"to the poor the Gospel is preached"—is exhibited in our land? The Gospel is not preached to the poor; I say it without reference to churchmen or to Dissenters. It ought to be a matter of deep regret to us all, and not of mutual crimination and recrimination. We ought to see in it only a motive of new exertion, and a full justification of an appeal to the nation, to relieve a national want, which all the zeal and all the energy, alike of churchmen or of Dissenters, have failed to supply. Let it always be borne in mind, that, if the poor have not religious instruction freely imparted to them, they have little prospect of obtaining any. They have not leisure to supply for themselves, out of books, that knowledge which the Church ought to provide for them, independently of the want of public worship, and independently of other considerations. If, therefore, the poor are not taught in the Church, they can scarcely ever be taught elsewhere. Let it not be supposed, as has sometimes been alleged, that the Dissenters have taken special and exclusive care of the poor: on the contrary, in a very curious series of papers on the moral and ecclesiastical statistics of London in the *Congregational Magazine*, in an article having particular reference to the borough of the Tower Hamlets, containing a population of 355,816 souls,—after stating that the combined efforts of the whole Christian community have still left destitute of any means of attending public worship no less than 79,679 persons in this ~~district~~, who from age and circumstances would be capable of attending it,—the writer goes on to observe,

"Now it has been the boast of the Wesleyan methodists" (whom, I, by the bye, desire not to include as Dissenters) "that they are the missionaries of the poor; yet, to borrow his phrase" (referring to another writer) "in this most congenial soil they have only sixteen places of worship, while the Independents and Baptists have sixty-five. But, if the localities of the Independent chapels are marked, their largest and most effective places are not in

Bethnal-green, Spitalfields, and the Docks, but in the more respectable parts of the borough, proving that their strength lies among those who form the strength of the community,—the middle classes."

Here is not a matter of inference, but of assertion and boast, that the Independent Dissenters have not selected the poorer districts for their ministration. I make it no matter of blame to them; because I believe that it is essentially impossible that under the voluntary system it should be otherwise. I notice the fact, only to prove that the Independents do not at least claim the merit of having, by their own voluntary system, endeavoured to discharge the duty, which, as I hold, the nation owes to its poor. In fact, all the exertions of all classes of Dissenters,—all the exertions even of Whitfield, and Wesley, and of the Methodists who have followed them,—all the organisation of the Wesleyan system itself,—have completely failed to carry any light of any kind to hundreds of thousands of our fellow-creatures, even in their own country. If this be so, what would have been our condition without those exertions? How much, above all, does England owe to the Methodists? I may, perhaps, on this subject be permitted to quote the words of one who has exercised a large influence in this country, Alexander Knox, in whose politics I did not always agree, but of the elevation of whose piety I speak with reverence, and whose testimony on this point, as he was a high churchman, has an additional value:—

> "What, I ask myself, would this country be, if Methodistic piety were now extinguished thoughout its middle and working classes;—if that sense of God, that feeling of inward piety, which raises the soul of humble poverty to a happiness of which mere moral philosophy cannot even catch the idea, were to be swept off and annihilated? Alas! what a precious treasure of heartfelt comfort, of fireside contentment, of steady decent industry, of social virtue, of public order and safety, would go along with it!"

Let me add, too, on my own part, that I have great reason to believe that the Wesleyan body are very favourable to the object of this motion. One of the earliest petitions which I presented was signed by three Wesleyan ministers in the place where it originated; and at the late anniversary meeting of the body, I have been told that the expressions of regard to the Church of England, and of interest in its extension, were frequent and unequivocal. I also feel bound to add, that I should do injustice to the Dissenters as a body, if I considered that they were identified in principles and in feeling with some of the petitions which particular congregations have been induced to present to this House. On the contrary, their considerate silence is conclusive. Why, if all approved the opposition of the ministers of the three denominations, why does it happen, that out of the 408 Dissenting congregations in the metropolis, only 38 have petitioned this House against the object which I now submit to you? and, therefore, I am entitled to maintain, that whatever may be the conduct of the political Dissenters, the feeling and the principle of many among the Dissenters will be the feeling and the principle of their own Matthew Henry, and of their own Doddridge, in reference to the Church Establishment of England. I do not, therefore, anticipate any extensive or organised opposition to my motion from the great body of the Dissenters. Be this as it may, of this I am sure, that if the object of that motion be good, it can be attained by no effort of the voluntary principle, or by any thing short of an act of the nation. Yet, in stating this conviction, I repeat, that the voluntary principle ought ever to be invoked in aid to meet national grants wherever the concurrence is possible, according to the principle upon which chapels are built in places where the Queen has consuls, partly by a grant of public money, and partly by a corresponding subscription on the part of those more immediately and locally interested in the benefit. But in the poorer districts, where the need is greatest, this concurrence is obviously impossible. Yet there are districts where the population is not rich, but where a very slight assistance will enable them to do great things for themselves. I refer particularly to the plan of the Rev. John Livesey, of Sheffield, for Mechanics' Churches. I can only allude to it, having already trespassed so long on the time of the House, and having yet to ask much more of their indulgence. All legislation ought, I think, to be based on the principle that we have no natural inclination for religion or for instruction. There is no natural hunger or thirst for the bread and water of life. Mankind are under no influence by nature to go to Church: and, therefore, the doctrine of the demand regulating the supply, however true in respect to the wants of the external man, is utterly inapplicable to his spiritual necessities. Reason and experience confirm the truth, that our need is greatest where our sense of it is the least; and, therefore, according to the memorable sentiment of Chalmers, we must not wait till men go to the Church or to the school; the Church and the school must go to them. There are, indeed, some remarkable, but rare exceptions; I find such in the zeal which in Upper Canada and Nova Scotia has been shown by parties walking fifteen, twenty, or thirty miles to attend public worship; but, as a general proposition, the truth is unhappily clear, that we must not rely on any tendency in an uneducated man to seek instruction, or if brought up without the means of worship to know or feel their value. What is the fact in respect to the myriads of men uneducated and uninstructed in religion thoughout the country? Is not their number frightful? Is not their social condition a source of evil to us all? Look at Monmouthshire and South Wales. In Merthyr Tydvil it is computed there are 20,000 Chartists. There are but one church and one chapel, capable of holding no more than 2,600. Above 23,000 are unprovided for by the church. In Llanelly is Bryn Mawr, five miles from the church, with a population of 5000, in a close village, without church or clergyman. Again, there are Bedwelty, Mynddyswyn, Trevethyn, including Pont-y-pool, with a population, in 1801, of 3,635, and at present of above 30,000; the church accommodation not being sufficient for more than between 3,000 and 4,000, a proportion of not more than one in ten. "These," as Mr. Horsfall said, in an excellent speech at Liverpool, "These were the parishes in which the Chartists who attacked Newport, in November, 1839, chiefly resided." The evil has been powerfully stated by the Bishop of Llandaff, both in his late charge, and in his place elsewhere. But great as the evil is in Wales, and politically great as it has been in its immediate and direct consequences, the evil is not less great in the West-riding of Yorkshire, and in the other manufacturing districts. The petition from Whalley, to which I have already referred, as presented by my noble Friend, the Member for North Lancashire (Lord Stanley), while it states the great and blessed exertions which had been made in that parish, a parish of 98,433 inhabitants, in building nine new churches there since 1831, states also that eight others are imperatively wanted. However extensive may be the need in other places, I doubt whether, after all, it be greater any where than in a radius of three or four miles from the place in which we are now sitting. I might specially quote the case of the parishes of St. Margaret and St. John the Evangelist. All that the Church Commissioners have said of the general want applies with pre-eminent force to our own neighbourhood. I quote their second Report, pp. 6, 7:—

"The most prominent, however, of those defects which cripple the energies of the Established Church and circumscribe its usefulness, is the want of churches and ministers in the large towns and populous districts of the kingdom. The growth of the population has been so rapid as to outrun the means possessed by the Establishment of meeting its spiritual wants; and the result has been, that a vast proportion of the people are left destitute of the opportunities of public worship and Christian instruction, even when every allowance is made for the exertions of those religious bodies, which are not in connexion with the Established Church. It is not necessary, in this Report, to enter into all the details, by which the truth of this assertion might be proved. It will be sufficient to state the following facts, as examples. Looking to those parishes only which contain each a population exceeding 10,000, we find that in London and its suburbs, including the parishes on either bank of the Thames, there are four parishes or districts, each having a population exceeding 20,000, and containing an aggregate of 166,000 persons, with church room for 8,200 (not quite one-twentieth of the whole), and only eleven clergymen. There are twenty-one others, the aggregate population of which is 739,000, while the church room is for 66,155 (not one-tenth of the whole), and only 45 clergymen. There are nine others, with an aggregate population of 232,000, and church room for 27,327 (not one-eighth of the whole), and only nineteen clergymen. The entire population of these thirty-four parishes amounts to 1,137,000, while there is church room for only 101,682. Supposing that church room is required for one-third, there ought to be sittings for 379,000 persons. There is, therefore, a deficiency of 277,318 sittings; or, if we allow 25,000 for the number of sittings in proprietary chapels, the deficiency will be 252,318. Allowing one church for a population of 3,000, there would be required in these (thirty-four) parishes 379 churches; whereas there are, in fact, only 69, or, if proprietary chapels be added, about 100, leaving a deficiency of 279, while there are only 139 clergymen in a population exceeding 1,000,000."

Similar results were given with respect to the dioceses of Chester, York, and Litchfield and Coventry.

"In the diocese of Chester, there are thirty-eight parishes or districts in Lancashire, each with a population exceeding 10,000, containing an aggregate of 816,000 souls, with church room for 97,700, or about one-eighth; the proportions varying in the different parishes from one-sixth to one twenty-third. In the diocese of York, there are twenty parishes or districts, each with a population exceeding 10,000, and with an aggregate of 402,000, while the church accommodation is for 48,000, the proportions varying from one-sixth to one-thirtieth. In the diocese of Lichfield and Coventry, there are sixteen parishes or districts, each having a population above 10,000, the aggregate being 235,000, with church room for about 29,000, the proportions varying from one-sixth to one-fourteenth."

Now, who are these commissioners? Who are those who have addressed such representations to the Crown of England, respecting the spiritual necessities of the people of England? They are not bishops only, or chiefly; but the present prime Minister, the present Lord Chancellor, the present Lord President of the Council, the present leader of the Government in this House of Parliament. And do they say that any altered distribution or improved management of the ecclesiastical income of the country can remedy the evil? On the contrary, they state unequivocally—

"The resources, which the Established Church possesses, and which can properly be made available to that purpose, in whatever way they may be husbanded or distributed, are evidently quite inadequate to the exigency of the case; and all that we can hope to do is gradually to diminish the intensity of the evil."

The evil, then, is admitted: the existing resources of the ecclesiastical body, even if they ought primarily to be applied to remedy it, are also admitted to be inadequate to the duty. What then remains? Ought not the Government here to have interposed? Ought not the Prime Minister, after having signed such a representation to his sovereign, to have appealed to the nation, in order to enable him to relieve such a want so urged? On the 5th August last year, he referred, indeed, to this motion, of which I had, even then, given notice. Whether he referred to it with the seriousness which became alike his own position and the importance of the subject I will not stop to inquire; but, alluding to different objects of national expenditure, he said that the country must, perhaps, be prepared to make a large grant for relief of the spiritual necessities of the people. In such a proposal, I contend, that the noble Lord, to whom I refer, would be more than justified. It is the right of the nation to make such a grant; it is the duty of the nation to make it. I am equally sure that it is the interest of the nation to make it; for, as in individuals, so in nations, interest and duty are convertible terms:—whatever it is a man's duty to do and what it is a nation's duty to do, it is the interest of that man and of that nation to do. There are two governments in the world which are perpetually quoted by some hon. Gentlemen opposite, sometimes as models, but never as warnings. One, is the United States of America. Whether the latter owe their favour to the fact of their being the largest specimen of democracy, I will not presume to say. I have already shown that, so far at least as relates to the success of the voluntary system, in that republic, the example of the United States offers no encouragement. The other country is France: whether it owes its favour to its having been the ancient enemy of England, or to its having been a republic forty or fifty years ago, or to its being under "a liberal government now," I will not offer an opinion. I admit, indeed, that it has not been so much referred to lately, as ten years ago. But let me remind the House, that, in respect to the subject of the present motion, the government of France discharges annually and systematically a duty, which, thus far at least, our own Government have for many years as systematically neglected. I request the attention of the House, and particularly that of my right hon. Friend, the Chancellor of the Exchequer (Mr. F. T. Baring), to the conduct of the government of France, in relation to the spiritual wants of the people. The right hon. Gentleman, who brought forward his own budget with so much credit to himself, has probably paid some attention to that of the French Minister of Finance. Is he aware, (if he be aware, the people of this country, I suspect, speaking generally, are not aware,) that a very large sum is, in France, annually imposed as a tax, in an actual and regular system of taxation, upon all the people, for the support of religious worship?—I hold in my hand the French budget for 1841. It provides, by formal taxation, a sum of 1,057,000 francs for the bishops of France. It provides, in like manner, a sum of 28,525,000 francs (about 1,122,000*l*.) for the chapters and parochial clergy.* Is the parochial system of England maintained, to the extent of a single shilling, by taxation? I go on: the French budget contains a sum of 2,400,000 francs (about 96,000*l.*), for the building of churches and parsonage houses: an annual sum (be it observed) raised by taxation upon the people. The government of France feel their duty. What has been the result? Since 1837 inclusive, 525 new churches have been built and endowed in that country; and in this very budget for 1841, there is a vote for 150 new churches in France. [Mr. *Ward:* but are not all religions supported in France?] The hon. Member for Sheffield asks me, whether all religions are not equally supported in France? That might be: but that fact would not alter the case: it would, indeed, strengthen it: because it would prove, that, as in France all men are taxed to support all religions, there is no man whose conscience is not violated by his being compelled to pay for the support of several forms of faith, all of which, with the exception of his own, he must disapprove. The items, however, which I have already quoted, are all for the support of the Church of Rome, which though no longer a state religion in France, is practically still, in numbers and influence, predominant. It is true, however, that a sum of 890,000 francs goes to the Protestants; and a sum of 96,000 francs goes to the Jews. But the smallness of these sums does not affect the principle: the payment of them might be as great a wound to the conscience of a Roman Catholic, as the payment of the larger sums might be to the Protestant and the Jew. My position is, that, in your favourite France, I can show you, that a liberal government systematically taxes the people for the maintenance of worship, which, by the very instances last quoted, I have proved to be abhorrent to the faith and convictions of others. The particular appropriation in France it is no part of my duty to uphold. I contend, only, first, that, in France, all men are, at this day, taxed for the support of religions, to which some of them must be opposed; and I contend, secondly, that, in England, no man is, at this day, taxed at all for the support of the Established Church; no part of the ecclesiastical income of England arises from taxation; and the only tax, or at least the largest tax, which the people of England pay for any religious teaching (they pay a portion towards dissent), is the tax to pay the grant to the Roman Catholic college of Maynooth. As to the payments to the Church in the shape of tithes or rent charges, these are no more taxes on the people, than the rents which hon. Gentlemen on either side of the House receive from their tenants. On the general subject of contributions by the people to public purposes, I will only say, without entering into the metaphysics either of government, or of property, that, practically, all property is held subject to the will of the supreme power in any nation. It is, therefore, the right of the nation, to make provision, out of the national resources, for the national wants. It is the right of the Sultan at Constantinople; it is the right of the King of the French, and the French Chambers; it is the right of the Queen, Lords, and Commons, of England. It is, further, I contend, the duty of the nation, having an Established National Church, to make provision out of the national resources for the increase of that national Church, in proportion to the increase of the people forming that nation. The very meaning of an Established Church being, that it is the recognised and authorised instructress of the people, you mock the people, if you say, that you establish a Church to teach them, and then repel and exclude three fourths of them, without any fault of their own, from the sound of that teaching. I ask

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* I am indebted to the most distinguished foreigner now in England (30th June, 1840,)

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for the substance of the following note:—The ecclesiastical parishes of France are not exactly analogous to those of England: they follow the judiciary divisions of the country, it being provided, that, for each district comprehended within the jurisdiction of a justice of the peace, there should be at least one parish. There are at present, in France, cures, 514 of the first, class; 2,786 of the second class, each with a curé. There are 27,300 succursales, (or districts within parishes,—chapelries, as in Halifax, &c.):—but there are not ministers, (Desservans) to more than 25,500 of these: there are therefore 1,800 districts without ministers. There are altogether 28,800 cures and ministers. But as, whether there be or be not a minister at the moment to each succursale, a succursale cannot be created, i. e. a commune cannot be erected into a succersale, until a church be built therein, it follows that the number of churches must be equal to the number of cures, and of succursales, together, irrespective of the number of ministers: that is the case: and, consequently, there are 30,000 churches in France. Whether, or not, there be a parsonage house, i. e. presbytère, the commune always provide a dwelling for their priest, either by giving him a house, or by giving him money to procure one.

support for that Church, I ask it because I believe it to be the truth. You ought to grant it because you have recognised it as such; because you have established it as such. From the sovereign on the throne downwards, you have so recognised and established it. The constitution acknowledges it as such. Others may call it "the Law Church,"—" the Parliamentary Church,"—(odd terms of reproach from the mouth of those who describe themselves as good subjects) I stop only to say, that its claims to support are certainly not lessened by the nation having already adopted it. Adopted and established it is; and it is no longer an open question, as the amendment of which the hon. Member opposite (Mr. Hume) has given notice, implies, whether we shall, or shall not, have an Established Church. He argues in that amendment, that an Established Church might have been a fitting thing in those dark ages when all men agreed, or, at least, when all were bound by statutes to go to one form of worship; but that such statutes having been repealed, it was time to withdraw from the Church the pre-eminence which it now enjoys; and to take away its present supports, instead of adding to them. But I beg to state to the hon. Member not merely that such pre-eminence is the right of the Church by the existing laws of England; but that it has higher and inherent claims to our support. The Church is no voluntary association, enunciating hap-hazard opinions. It is a divinely constituted depository of Divine truth. In the Church of England the constitution has enshrined the truth. I ask support for the Church: I ask it not in reference to the numbers of those who so regard it; though, as its claims are denied because they are those of a minority, I have felt it to be my duty to prove that its claims are upheld by the vast majority of the people of England. I have referred, however, to numbers, not because I regard them as an element of value in my view of the case, but because the argument founded upon numbers is often popularly brought forward against us; and is, as I believe, as untenable in fact, as it is untenable in principle. In my view of the case, therefore, I repeat that I disregard numbers. Again I say, I ask support for the Church, because it is the truth, and because you have established it as such. Truth is one; error is multiform. If I am asked, how, with these views, I could ever support the grant to Maynooth, or the Regium Donum; and how I can ever ask any man to support any thing which he, on his part also, does not regard as truth? my answer is, first, that I never supported those grants, except as legacies left by the Parliament of Ireland; and that when that principle was disavowed by this House, by the non-payment of similar legacies to Protestant institutions, I have felt myself at liberty to exercise the same discretion in voting against a grant to a Roman Catholic institution. But I am asked, will I not allow a Dissenter equally to oppose a vote for a grant to the Church of England? My answer is, of course, that every man, in his legislative character, must act on these subjects, as on all others, according to his own free but responsible conscience. But in his character of subject, every man, in or out of this House, must pay the taxes imposed by the supreme power of the State, whatever may be their appropriation; and though I will not voluntarily give any thing individually, from myself, to diffuse error, and will, in this House, oppose any measure which has that tendency, I hold myself bound to pay any tax which the House of Commons, in the legitimate exercise of its Parliamentary powers, may think fit to impose for the benefit of the people. I hold Dissenters, in like manner, bound to pay their share of any taxation which this House, acting in the same manner for the benefit of the whole nation, may see fit to impose for the support of the Established Church. There are high and there are low views of the question now before the House. The lowest view which can be taken of the duty of supporting and extending the Church, is, that religion is the cheapest and most effective police. I will not disregard even this consideration. I contend, then, that it is not only the right of the supreme power of the State to require from all its subjects this support of the Church; that it is not only its duty to require that support as support of the truth; but that, even in the lowest sense, it is likewise the interest of the nation. It is the interest of the nation to take care that the people be well instructed in their duty to God; and therein well affected in the discharge of their duty towards men. The Church is the most effectual restraint upon crime; and a well-administered parochial superintendence is the most complete and efficient police of any country. I need hardly remind any gentleman, that the dying testimony of criminals continually refers to Sabbath-breaking and neglect of church" as the commencement of their course of evil—the first step in guilt of more than half their numbers. The observation of Collins, of Glasgow, is remarkable:—

> "The truth is, the people will cost us [something], whether we will, or not. If we do not build them churches, we must build them gaols and bridewells. If we will not suffer to be taxed for their religious instruction, we must suffer to be taxed for the punishment and repression of their crimes. From this the Dissenters can no more escape than Churchmen."

The House will hardly believe the amount which England has paid since the commencement of the present century in building and repairing gaols. In six counties, the aggregate expense has been more than a million and a half; in all England, from 1800 to 1830, it exceeds 3,320,000*l.* I do not suppose, or mean to insinuate, that an increase of church accommodation in the interval would have superseded the necessity of all this expenditure; but I do mean to say, that exactly in proportion to the degree of active and pious pastoral superintendence, is, humanly speaking, the certainty of the diminution of the amount of crime, and consequently of the expense of punishment. There are some very important facts on this subject, which I find in the same work of Collins, which I have already quoted: will the House indulge me by listening to them?

> "By an examination of our statistics, and of the survey of the parochial agents, we find that in the Goosedubs, Bridegate, Old and New Wynds, Salt-market, Old and New Vennals, Havannah, Dempster-street, and the poor districts of Gorbals and Calton, the people only possess church accommodation in the proportion of 2¼, 2⅝, 5, 8, or 11 in the 100. And, from positive and personal inquiry, we can state, on the authority of the captain of the police and the magistrates on the one hand, and of the governor and chaplain of Bridewell on the other, that nearly all the criminals, who are tried by the one or are immured in the other, come from those very places we have just enumerated, where the people are so destitute of church accommodation; while, from those quarters of the city where the people possess church accommodation in the proportion of fifty, sixty, seventy, or eighty in the hundred, the police-officer has no criminals, and Bridewell has no inmates. These experimental facts clearly indicate the relative power and influence of the fear of God and the fear of man—the instruction of the Church and the coercion of Bridewell—in securing the peace and order of society."

As an illustration of the same principle, I have the authority of an eminent judge (Baron Gurney) for stating that

> "When he was going the Norfolk circuit in 1832, a magistrate of Suffolk said to him, in the course of a conversation respecting the prisoners for trial, that he could go over the map of the county, and show that there was hardly a prisoner in the calendar, who did not come from a parish without a resident clergyman and resident squire."

No education is, of course, a preventive of crime; but I may add, that of fifty-two educated persons, who, at a given period, were found in Newgate, six only were educated by the Church, eighteen by Dissenters: considering the excess of actual numbers belonging to the Church, the small proportion of those whom the Church had educated being found in Newgate, is some presumption (I put it no higher), that there is generally a more fundamental inculcation of right principle, in such training. But the extension of the Church is not merely a measure of police, preventing crime; but a measure (I am looking, for the moment, to secular objects only) promoting good: the Church is the most effectual agent in the distribution of temporal blessings; and becomes, in every district, the centre of benevolent action. The House will allow me to prove this by some examples within this metropolis. The church of St. Peter's, Mile End, Stepney, was consecrated on the 16th of August, 1838, for a congregation of about 1400 persons, in a population of about 6000. Five-sixths of the pay seats are already let; and the attendance in the free seats is generally good. (I quote from a return made to the bishop of the diocese.) The incumbent, the Rev. Thomas Jackson, states, that three-fourths of the congregation never, before the erection of this edifice, went to church with any regularity of habit; and there was no previous pastoral superintendence, and no societies for Christian (I mean, religious) objects:—And now to the results which have followed the planting a church and a minister in this district. There have been formed an association auxiliary to the Society for promoting Christian knowledge; another, to the Society for the Propagation of the Gospel in Foreign Parts, by which the promoters expect to raise 80*l.* for the parent society; a Lord's-Day-Observance Society; a District-visiting Society, by which every house in the district is to be visited; a lying-in charity; two large schools for 500 children; the average attendance in which is, boys 306,—girls 153; a Sunday school attended by 572 children. There have been raised in this district, in public charities, for these and other objects, 1167*l.*; besides about 150*l.* contributed by the children for their own education. There has been likewise formed, a Lending Library, with about 570 volumes. Before the erection of the church, there were one Wesleyan and one Dissenting chapel; but the institutions, to which I have referred, have all been the consequence of the foundation of the district church. The Rev. Thomas Jackson, who has supplied these particulars, adds,—

> "The poor in my neighbourhood are respectful, I had almost said, affectionate. They only want the ministrations of more clergymen. My preaching and presence necessarily create a demand among them for more pastoral instruction."

I well remember my excellent friend, the Rev. John Venn, now in Hereford, telling me, that his pastoral visits, when he had a cure of souls in one of the worst parts of London, though received at first with surprise, were received with gratitude and affection which he never saw exceeded any where. Again, what has been done by the two Wilsons, in the parish of Islington? I have the honour of referring to both of them as my friends. When the Rev. Daniel Wilson, now bishop of Calcutta, was first appointed vicar of Islington, there were one church and one chapel of ease, in that parish. This was thirteen years ago. His son is now vicar. During the incumbency of the two, seven new churches have been built at an expense of 50,000*l.*, of which a large part was raised by voluntary subscription in the parish; the rest was from the Parliamentary grant and the Society for Churches. The immediate effect has been, twelve new schools for 2,000 children. A district of 3,000 or 4,000 souls has been assigned to each new church. The whole of the poor population, about 16,000, is regularly reached by voluntary agents under the direction of the parochial clergy; about 6,000 visits being paid monthly. And as to public charities; the sums raised in the parish, for religious and benevolent objects, amount to between 5000*l.* and 6000*l.* per annum. One more illustration of the merely secular change produced by the organisation of the Church, I will give in the words of one widely known and justly esteemed in this metropolis, the Rev. Thomas Dale. I quote from his speech at the great meeting held last year in London to promote the object of Church Extension. He is speaking of the temporal benefits which followed the erection of a new church. He says—

> "In the neighbourhood of this new church, a gentleman, who discharged the duties of a Christian visitor, and had under his superintendence about thirteen families before the erection of the new church, found, out of the thirteen, three only who were in the habit of attending the public worship of God. Within less than twelve months after the opening of the new church, the proportion was exactly reversed; and at this very moment, out of the thirteen, there are only three who do not attend on the public services of the Church. Though the amount of temporal relief distributed among these thirteen families is now not one-fourth of what it formerly was, yet the visitor is more cheerfully and cordially received than ever he was before."

I believe that I may state, as one result of the erection of the churches hitherto built by Parliamentary aid, that a school has almost invariably followed a church. I lower, however, the principle, on which I ask for the support of the House to the motion, which I now bring before you, if I rest on these results. It is the interest of the nation to support the Church, not only as preventing evil, not only as promoting good in secular and temporal things, but as promoting good in the highest and spiritual sense. If a whole nation were taught of God how blessed would they be!—how blessed would their rulers be!—what a change would there be even in the affairs of this world!—and how surely, in proportion to the diffusion of Christian principles, is the measure of the result attained! But how far more blessed would such a people be, in reference to that eternal world, to which we are all hastening! I cannot pursue this subject: I will only ask any one, opposite, or around me, to consider the actual state of ignorance and of sin, in which hundreds of thousands, whom we have never taught, are compelled to live;—and, then, add one other question,—how many of those myriads, thus left without the means of Christian instruction and Christian worship, die every day? These are the men, who fill your gaols: many of these are the men, who are witnesses in your courts of justice; yet, on their testimony, depend the life and the property of others,—perhaps the property and life of yourselves,—when you put into their hands a book, of the contents of which they know nothing, and call upon them to swear by the help of God, whose worship and whose word you have, alike, kept from them: Can we hope for the blessing of God on such a state of things, in a country which we call Christian? With such considerations before me, I unhesitatingly assert, in reference to the spiritual destitution of our country, and all its consequences, that it is the duty of all men to make efforts, voluntarily, as individuals, and to concur cheerfully in the efforts which may be made by the nation, to relieve and remove that destitution. But, while this is the common duty of all, it is the special duty of those who derive their wealth from the labours of those very classes in which the destitution and all its results are almost exclusively found. There is a beautiful passage in a work by my friend Mr. Henry Wilberforce*, which well expresses my feelings and my views:—

> "There are hundreds among us, who have made fortunes as manufacturers. How does the case stand with them? They have set up a factory, it may be, in some sequestered spot, where a village has immediately arisen. The population has increased from year to year; the capital of the manufacturer has increased with it; his works have been extended; new labourers have arrived; and, in the evening of his days, he retires with a handsome property, honourably gained; and it is his joy that he owes nothing to any man. But is this indeed the case? He has paid his labourers for their time, and their strength; but how has he remunerated them for their souls? He invited them from their country villages, from their homes, and the church of their fathers; he allured their children from school to his factory; and what has he given them instead? Has he not too often left them in a situation of peculiar danger and temptation; without a church, without a pastor, without a school? Can he acquit himself of having grown rich upon the ruin of immortal souls?"

I do not accuse all the great manufacturers or miners of England of having neglected this solemn duty which they owe to the producers of their wealth. There are exceptions not only in the case of individuals, but, which is rarer, in the case even of public bodies. I refer with pleasure to the conduct of the Rhymney Iron Company, in the bill which they brought into this House, last year, for the purpose of enabling them to build a church for the people whom their works had brought together on a desolate mountain. I refer with pleasure, also, to the bill, which passed an important stage yesterday in this House, the Weaver Churches Bill, founded on the same principle, and tending to the same end. I will only add, that we very imperfectly discharge our duties to those who are placed beneath us in society, if we are satisfied with paying them their daily wages, when we have placed them in situations of temptation, or have systematically left them and their children without the means of instruction and public worship. I have shown the inadequacy of voluntary efforts, taken singly, to relieve the spiritual wants of the nation; much more to keep up the supply to the level of the need, in the augmented and augmenting population of England. I might urge, too, the unfairness of transferring a national obligation from the nation to the purses of the benevolent and the pious. The benevolent and the pious are not the only persons whose interests are bound up with the morality of the people. It is the duty of the Government, therefore, to supply the deficiency. The Government of 1818 recognised this duty, and proposed the million grant. The Parliament of 1818 acknowledged the duty; and passed the grant, unanimously; the hon. Member opposite (Mr. Hume) being, nevertheless, in his place. The Government of this day ought to have proposed a grant. Almost every individual Member of the Cabinet is committed to the principle of a grant. What, in 1824, said the right hon. Baronet, now the President of the India Board? I quote the words of Mr. Hobhouse on the 9th of April, 1824*:

> "If the fact really was that any deficiency existed in the country in the means of obtaining accommodation for religious worship, he was sure that it was impossible that any hon. Gentleman could be found, who would not assist his Majesty's Government to the utmost of his power in devising a method of supplying that deficiency."

What, on the same occasion, said his now colleague, the noble Lord the Secretary of State for Foreign Affairs (Lord Palmerston)?†

> "It was his wish that the Established Church should be the predominant one in this country—if they denied to the people the means of attending divine worship according to the practice of the Established Church, how could they expect that the members of the Establishment would continue to increase?"

The noble Lord, the Member for Northumberland (Lord Howick), not now indeed, a member of the Cabinet, said, in my hearing, on the 3rd of March, 1837, when I took down his words:—

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* "Parochial System," by the rev. H. W. Wilberforce.

* See Hansard, vol. xi. New Series, p. 330.

† See Hansard, vol. xi. New Series, p. 359.

"I profess, in the very strongest language which I can use, my resistance to the voluntary principle."

My noble Friend, the Secretary of State for the Colonies (Lord J. Russell), in a memorable speech, at the commencement of the present Session, on the case of John Thorogood, said, in the name of the nation:—

"The principle, on which alone they could maintain the Established Church, was that it was for the common good; and that was a principle which entitled them to ask for that burthen to be laid on all. He did not think that those who had to maintain the doctrines of the Church from the pulpits of the Establishment of this country ought to be left to the contributions of the people for their support."

But he stated my whole case more fully, more philosophically, and more eloquently in his speech on moving the augmentation of the army, on the 2nd of August, 1839. I must be permitted to strengthen my appeal to the House by quoting his words:—

"We have, particularly in the manufacturing districts, very large masses of people, who have grown up in a state of society, which it is both lamentable and appaling to contemplate. They have not grown up amidst the usual concomitants of an ordinary state of society, under the hand of early instruction; with places of worship to attend; with their opinions of property moulded by seeing it devoted to social and charitable objects; and with a fair and gradual subordination of ranks. But it is in many cases a society necessarily composed of the working classes, with a few persons who employ their labour, but with whom they have little other connection; and, unhappily, neither receiving in schools nor in places of worship, that religious and moral instruction, which is necessary to knit together the inhabitants and classes of a great country."

My noble Friend has not receded from these principles. Last night the House heard the noble Lord refer (in words which I took down at the moment) to the—

"Great population grown up, to which the Church of England has not the means of bringing her organized instruction."

With equal truth and force, he stated—

"In so far as you increase the means of religious instruction throughout the country, (which, hitherto, voluntary efforts have not succeeded in meeting), you strengthen the bonds of all social relations, you strengthen the attachment of the people to their Sovereign and the attachment of fellow-subjects to each other."

I have proved by these references that the [leading Members of the present Government in this House are pledged to the principle which I advocate—the principle of extending the ministrations of the Church in proportion to the needs of the people. I call upon the House to affirm the same principle. I am aware that I shall be met, even if successful, by a very considerable minority; but I know that a large majority of the Members in this House, after all the changes which have taken place, are still members of the Established Church, I know that a large majority of the people of England are attached to the Church; I know that their attachment is deepening and widening; I know that the Church possesses a just and justly-increasing influence in this country; and, with my full and solemn conviction of the importance of the measure which I propose, in reference to every interest of the country, I feel assured of ultimate success. But I ask the House at present only to affirm the principle that it is the duty of a nation calling itself Christian, to make provision for the Christian instruction of the people. Admit this principle by your vote to-night; leave to the Government the application of that principle; whether by building churches; by endowing churches, (and here let me add my own strong opinion, that, unless endowed, churches are of comparatively little value,) and if in endowing churches, whether, as one mode of endowment, by buying up and annexing impropriations; by increasing the number of services in churches;* by new and special arrangements, in respect to pews, and the principle of pewing, in the new churches, by aiding missionary ministers; by all, or any of these modes; by any fixed, or any varying proportion of aid, to be given by the nation, compared to the fund to be provided by the locality; all these I leave to the Government. I would only suggest such provisions and cautions as these; that the statutes of mortmain ought to be repealed; they were enacted on the ground that private liberality was doing too much for the Church; and that it was necessary to restrain it. [My hon. Friend the

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* Christ Church in Liverpool has a third service, for the poor exclusively, I doubt that principle.

Member for Newark, has already made this suggestion: no one can say that the excess is now on that side]. That Government ought to provide a site for a church wherever, on Crown land, a mass of 500 houses shall be built: that by some general provision, (such a clause, for instance, as now secures in every inclosure bill an open space for the poor) a church shall be built, whenever, on other land than the land of the Crown, a similar mass of houses shall be built; look at the new towns rising up at the railway stations, without any apparent thought, or care, for any means of religious worship and instruction to the masses there attracted:— let me add, that, if no houses were built at the moment, a church would often attract them; let me add, also, that a grant of land for a church seldom, if ever, costs any thing; the erection of the church increasing the value of the adjacent land. I have not time to suggest more than two other cautions;—one, that in no case, ought pew-rents to provide for the income of the minister; the other, that if the present parochial divisions of the country, (which, in the manufacturing districts, are generally enormous in area, and, in the great towns overwhelmingly populous) cannot be altered, a district at least ought to be assigned to every new church,

> "With the right (to repeat the words of the venerable incumbent of Liversedge, whose memorial I have already quoted) to have the doctrines, services, and sacraments of Christ as fully, regularly, and duly administered, as in any parish church in the realm."

I do not ask the House to affirm any one of these details. I ask their support to the principle: leaving to the Government, not merely the application of the principle, but the pecuniary amount to be employed in carrying forth that principle. Let the Government, with their means of knowledge, and on their own responsibility, bring down a message from the Crown, or introduce a bill calling upon us, specifically, to discharge our personal and national responsibility. Who, then, are the opponents of a grant? The Papist and the Dissenter, in unholy alliance with the Infidel and the Socialist; the Papist, who, to this day, tolerates no other worship than his own in some of the chief states of the Continent, and the Dissenter, whose war-cry is religious liberty. Unlike the Romanist of a former age, who, referring to the fifty churches of Queen Anne's reign, says, (in no irony, as to the object, whatever he may have thought of the architecture,)

> "Bid temples worthier of their God ascend:"

Unlike the Dissenter of a former age, who, looking at the village churches scattered over England, exclaimed,

> "These temples of our God
> How beautiful they stand!
> The glories of our native plains,
> The bulwarks of our land."

I could quote many instances of Dissenters in the last century, who regarded the Church with very different feelings from some of their successors in the present day. I might refer specially to Matthew Henry, and to Doddridge, for proofs of the general respect which they showed to the Church. Matthew Henry's defence of Church-rates I have quoted on another occasion. At this moment, indeed, as I have already observed, there are large bodies of Dissenters, who adhere to the feelings and principles of Henry and of Doddridge, and who abstain from this war against the Church: and many of whose efforts to supply our lack of service I regard with respect. But the political Dissenters are now like their predecessors two centuries ago: and now, again, there are united in unhallowed confederacy against us, all those who hate the Church as the barrier of orthodoxy, and all those who hate it as the barrier of the monarchy. They alike dread the efficiency of the Church: they alike know that the influence of the Church of England upon the people of England is deepening and widening: and they will take every measure to prevent that Church being extended, either by her own energies or by the aid of the wisdom and power of Parliament. Yield to them, and refuse the grant—you consign millions to involuntary ignorance, to forced atheism: you cannot deny that such is at this moment the fact, the awful state of hundreds of thousands; you cannot deny, that such will be still more the fact, every year of your delay. For this state of things, some are, some must be, responsible. There can be no great national mis-doing, or national neglect, without some responsible being, on whom it will be charged. Looking even at this world, see what is the consequence of ignorance and atheism, combined with physical force: will not vice and turbulence be the consequences? can you yourselves be exempt from the effects of that vice and of that turbulence? In no country in the world is there such wealth in such immediate juxta-position with such poverty. In no country, therefore, is it so important for the rulers and the rich, even on selfish principles, to elevate poverty by piety; to disarm physical force by religion; to take care that those who are below them, are taught their duty to God and to man, and not merely reading and writing, which, without better teaching, will only make man a more accomplished instrument of evil. Does any one deny this? Does any one say that a knowledge of arithmetic will teach a boy not to covet; that a knowledge of the arts of design will indispose a man to forgery? I was reading this day one of the reports of the chaplain of Clerkenwell prison. His experience confirms the proposition, that education, meaning, as it too often means, merely intellectual cultivation, will produce no moral benefit, and, therefore, no social benefit. He states, that some of the most remarkable criminals who had been committed to his prison, were persons who had all received this intellectual training, Sullivan and Jordan, Greenacre, and the Cato-street conspirators, &c. But even a religious education is not enough. It is not enough to instil Christian principles into the boy, and then, at the age of sixteen, at the most critical period of his life, when his passions are the strongest, to throw him off from the restraints of the school, without giving him the restraints of the church; and to leave him in this great metropolis in a forced and necessary exclusion from public worship, and religious instruction. He, and all such, have a right to call upon their country for protection in these their highest interests. And it is your own interest and your social safety to grant it. I have heard elsewhere, and I shall perhaps hear to-night, as an unanswerable argument against my motion, that the nation cannot afford to make the grant which I require; that the grants in 1818, and 1824, were in seasons of great financial prosperity; that I ought to wait till such return; and not select a year when the revenue is decreasing, and the public expenditure is already necessarily increased. My reply is brief:—An individual ought to reduce his expenses to the level of his income; a nation ought to raise its income to the level of its duties. If, as I contend, the measure which I propose, be the discharge of a national obligation, the nation ought to find in itself the means of meeting it. And how easily might those means be found? What has been the amount of war-taxes remitted to the people in the last twenty-five years, during which, by God's providence, we have been blest with peace? My object will require a small proportion only of the wealth which has been so returned to the people. [Mr. *O'Connell:* The phrase is wrong,—"returned to the people."] But will any one deny that vast sums have been left in the pockets of the people, which, if the war-taxes, aye, and other taxes not of that class, had not been repealed, would have been paid by the people, and which not having been paid, have left them in a condition to make, (without sacrifice, at least with little sacrifice at the moment, and with none, looking at the whole case) such a grant as the exigency of the spiritual destitution of the country requires? Why, the war duty on malt alone, if continued to this day, would have drawn 38,580,000*l.* from the people; and the property-tax, which was repealed in 1816, would, if continued to 1840, have taken from the people the enormous sum of 350,827,752*l.* Affirm, then, the principle that it is your duty to make the grant. You do your part in endeavouring to rescue millions of souls, the souls of your fellow-countrymen; and at what price? Think of what is spent by the country in the slow poison of spirits; think what was the amount of your subsidies to foreign powers, in one year, the last year of the last war; think what you granted cheerfully to redeem the bodies of the slaves in your colonies. Is it our duty, as individuals, to do good to the souls of others? Does that cease to be our duty when we enter these walls? Can it be matter of indifference before God,—what we do as having power and responsibility in this House? He has long blessed us; He has long spared us. The civil and social blessings of England are unexampled: our wealth exceeds that of any other people: our duties are in proportion to our means. We see the state of almost heathen ignorance, in which, notwithstanding our own light and knowledge, we suffer myriads of our own people to live and to die. If having received this warning, we neglect it,—if we suffer these myriads so to live and so to die, a heavy responsibility is upon us. "It must needs be that offences come; but woe to that man, by whom the offence cometh. It were better for that man that a mill-stone were hanged about his neck, and he cast into the sea, than that he should offend one of these little ones." We do offend these little ones, if, having the means of enlightening them, we leave them to stumble on in darkness. In the words of Dr. Johnson, I say,

"If obedience to the will of God be necessary to happiness, and knowledge of His will be necessary to obedience, I know not, how he, that withholds this knowledge, or delays it, can be said to love his neighbour as himself. He that voluntarily continues in ignorance is guilty of all the crimes which ignorance produces; as to him that should extinguish the tapers of a lighthouse, might justly be imputed the calamities of shipwreck. Christianity is the highest perfection of humanity; and as no man is good but as he wishes the good of others, no man can be good in the highest degree, who wishes not to others the largest measures of the greatest good. To omit for a year or for a day, the most efficacious method of advancing Christianity, in compliance with any purposes that terminate on this side of the grave, is a crime of which I know not that the world has yet had an example except in the practice of the planters of America, a race of mortals whom, I suppose, no other man wishes to resemble."[*]

I most cordially thank the House for their long patience with me; and I now move the resolution of which I gave notice: the hon. Baronet then moved, that, on Wednesday, the 17th of July, this House will resolve itself into a Committee of the whole House, to consider of the following Address to her Majesty, that is to say,

"That an humble Address be presented to her Majesty, praying that her Majesty will be graciously pleased to take into consideration the deficiency which exists in the number of places of worship belonging to the Established Church when compared with the increased and increasing population of the country, the inadequate provision therein for the accommodation of the poorer classes in large towns, and the insufficient endowment thereof in other places, as such facts have been severally set forth in the Reports of the late Ecclesiastical Commissioners; to assure her Majesty, that this House is deeply impressed with a just sense of the many blessings which this country, by the favour of Divine Providence, has long enjoyed, and with the conviction, that the religious and moral habits of the people are the most sure and firm foundation of national prosperity; to state to her majesty the opinion of this House, that no altered distribution of the revenues of the Established Church could remove the existing and augmenting evil, arising from the notorious fact, that an addition of more than six million souls has been made to the population of England and Wales since the commencement of the present century, and that the rate of this increase is rapidly progressive; that the grants made by the wisdom of Parliament, on the recommendation of the Crown, in 1818 and 1824, have been inadequate to supply the national wants; and that, though private and local liberality has been largely manifested in aid of particular districts, the greatest wants exist where there are the least means to meet and relieve them; to assure her Majesty that this House, feeling that God has intrusted to this nation unexampled resources, is satisfied, that it is the duty of the Government to employ an adequate portion of the wealth of the nation to relieve the spiritual destitution of large masses of the people, by whose labour that wealth has been enlarged; and humbly to represent to her Majesty, that this House will cheerfully make good such measures as her Majesty may be pleased to recommend, in order to provide for her people in England and Wales further and full means of religious worship and instruction in the Established Church."

On the motion being read, no one offered to address the House, and there were loud cries of "Divide,"—the gallery was cleared for a division, but none took place.

Mr. *Gally Knight* proceeded to address the House as follows:—Sir, I waited, for a moment, in the full expectation that the hon. Member for Kilkenny would have risen, according to the usual manner of proceeding, to move the amendment of which he has given notice. From his not having done so, I can only conclude that he has abandoned the intention, convinced by the irresistible arguments of my hon. Friend, the Member for the University of Oxford. I cannot help congratulating the hon. Baronet, whom I am now more proud than ever to call my friend, upon the ability and the truly Christian spirit with which he has pleaded the sacred cause he has taken in hand—in a manner which must have pleased the greater part of his hearers, and can have offended none—in a manner which cannot fail to advance the object he has so much at heart. For my own part, Sir, I shall not trouble the House with many words, but having, on former occasions, demanded sacrifices of the Church, I should be sorry to let it be supposed that I do not, at the same time, consider the Church entitled to assistance; I thought it right she should set the example — I thought it right she should do what she could out of her own means; but I was always aware that all she could do would be infinitely less than the present occasion requires. Sir, it is unnecessary for me to go into further proof of the existence, and the extent of the spiritual destitution in various parts of this country. My hon. Friend has sufficiently established that point; indeed, it is admitted by the Dissenters themselves. But if hon. Gentlemen had seen, as I have done, the applications which have been made to a society to which I belong, the Assistant Curates' Society—if they had seen the cases of want of spiritual assistance, which are sent up in such numbers—the claims to attention which we are obliged to admit, yet to which we have not the means of responding, they would no longer entertain a doubt on this subject. I will only take the liberty of adding, with regard to this part of the subject, the evidence which is afforded by that part of this country with which I am more immediately connected. Let it be remembered, that, according to the most moderate calculation, the number of Church sittings should, in every place, amount to not less than half the number of the population; and, with this rule in our recollection, let me state what are the circumstances of the great manufacturing town of Nottingham. The population of Nottingham and its suburbs amounts to upwards of 74,577 souls—so that there ought to be church sittings for 37,288 persons. But the sittings only amount to 9,950. The provision for the clergy is on the same inadequate scale. The manufacturing villages in the neighbourhood are in a nearly similar condition. In the large town of Mansfield, of which the population exceeds 10,000, there is but one church, which does not contain half the requisite number of sittings. Such is the condition of the manufacturing part of the country which I have the honour to represent, and the condition of other manufacturing parts of this country, is, I fear, by no means more satisfactory. In proof of this I will mention that when, on a recent occasion, I expressed my regret, that the master manufacturers, in our large manufacturing towns, had not been more generally careful to provide their workmen with the opportunities of worship, I was honoured with a notice in the journals of most of those towns, but not one of these journals denied the deficiency. On the contrary, they all admitted the fact, and only alleged in excuse, that the landed proprietors did no more for their labourers; which, I am happy to say, is not exactly the case. One or two of these apologists for the present state of things exclaimed "well, if we don't give our operatives schools and churches, don't we give them Mechanics' Institutes?"—as if Mechanics' Institutes were a full and satisfactory equivalent. But what are the principal arguments which are commonly brought against the proposition of my hon. Friend? I think they reduce themselves to three:—First, the state of the revenue; second, the injustice of calling upon Dissenters to contribute anything; third, the more than abundant wealth of the Established Church. Sir, I am aware that the revenue is not in a flourishing state, and, therefore, the present is said to be an inconvenient season for introducing this subject. But I really don't know that any season can be called inconvenient for pleading the cause of religion. I cannot anticipate that any future season will be more convenient. If we are to wait till there is a surplus, it is as much as deciding never to entertain the subject at all; and, Sir, when I recollect the wealth which comes forth whenever there is the prospect of gain—the thousands and tens of thousands that are expended upon any rail-road, any wild speculation, any Mexican mine, are we to be told that the nation which is able to heap such treasures on the shrine of Mammon, is too poor to contribute anything to Church Extension? Sir, if the nation were willing to incur a heavy burthen to redeem the bodies of a portion of their brethren from temporal slavery, will it shrink from a much lighter sacrifice to redeem the souls of thousands of their own countrymen from endless perdition?—But how stands the case with the dissenters?—Sir, I cannot express how much I am afflicted by the exhibition of violence and hostility which has been made, on the present occasion, by those who talk so much about Christian charity and brotherly love. Is it brotherly love that they shew in the petitions which they have sent to this House? Is it that goodwill which they reproach us for not shewing to them? They admit the destitution, but they refuse us the only means by which it can be relieved. How can they have the hearts to petition that thousands of those whom they call brothers, should remain in ignorance and sin? But it is not only the refusal of this aid which they desire. There is scarcely one of these petitions that does not equally declare that "religion should be left to the voluntary principle;" that "there will be no peace in this country till the alliance between Church and State is dissolved;" that "they behold with mingled concern and alarm the efforts made to augment the number of Ecclesiastical buildings connected with the Establishment." It is clear, therefore, that the subversion of the Establishment is what they really have in view; and they ask you to withhold this aid, because they hope that, without it, the Church of England will go to the ground.- But, Sir, I must be permitted to say, that according to the Constitution of these realms, every man who inhabits England, inhabits it subject to the condition of the maintenance of the National Church. This is the title by which the Sovereign holds the sceptre of this kingdom. This is the great object for which our forefathers laboured so much, which it is the duty of those who administer the government of this country to have ever in view; and if I should be told that the case is changed, now that we have admitted all denominations into this House, I must be permitted to say that we admitted them upon the express condition, with the clear understanding, in the full confidence that they would not only not assail the Constitution either in Church or State, but on the contrary join with us in supporting the institutions of the country. If they deny this obligation, as I do not believe they will, I should be tempted to go into the statistics of the question—to remind them of their numbers; whether *in* this House, or out of this House. *In* this House, out of 658 Members, 600 profess, at least, to be Members of the Church of England. Out of this House, out of fifteen millions, the present population of England and Wales, there are only three million Dissenters, including Wesleyans and Catholics. Is it reasonable that such a minority should for ever disregard the wants, and frustrate the wishes, of such a majority? Let it be remembered, Sir, that this is a purely English question. It must not be embarrassed with speculations as to what would be right to do in Scotland, in Ireland, or the Colonies.—The question before us relates to England alone. The Dissenters, therefore, in estimating their numbers, must not take the eight millions of Irish Catholics into their calculation. In England, I repeat it, they scarcely amount to three millions; nor are their numbers likely to increase—because, as the torpor of the eighteenth century augmented dissent, so will the zeal of the present day diminish its amount.—But, leave the Church, say the petitioners, to the voluntary principle. Sir, I am far from meaning to reject the voluntary principle. I acknowledge its power; I desire its assistance. But what I say is, that the voluntary principle is not sufficient of itself. The insufficiency, as my hon. Friend has shewn, is proved by the example of the United States themselves—where, not taking the evidence of the English travellers, but referring to the published testimony of native writers, we find that, whatever may be the case in some of the more opulent towns, the rural districts, the scattered population, the remoter settlements, are left in a condition of which it is painful to think. But we have a sufficient proof of the insufficiency of the voluntary principle in our own country. We have it in the present destitution. If the voluntary principle could be trusted, that destitution would never have existed. The existence of that destitution is a proof that we want something more. I am only astonished that the voluntary principle has done so little. I should have thought that, as the population increased, the people would have provided themselves with the opportunities of worship. It was so in former times, when the working classes were in a much less prosperous state. In former times churches rose as fast as they were wanted, because men, in those days, believed that, by contributing to such works, they secured to themselves a blessed immortality. But, if we are Christians, we must still believe that our souls can only be saved by hearing the Word of God. There is as much reason for building churches as ever, and there will be no means of keeping pace with the rapidly increasing population, if the people will do nothing for themselves; yet how seldom do we see spontaneous exertions! I only wish that the voluntary principle were stronger than it is. Were I even to admit, that the care of the rural districts might be safely left to the landed proprietors—and I do think that it is the duty of affluent proprietors to take upon themselves the chief part of the expense of maintaining churches in the parishes with which they are connected, yet are there many parishes in which there are no affluent proprietors—and you cannot call upon the landed proprietors to relieve that great field of spiritual destitution—the manufacturing towns. I now come to the argument of the boundless wealth of the Church. At one time the wealth of the Church was great—and at that time, the Church was never slow to do her part. Let it be remembered that it is to the clergy that we are indebted for all our cathedrals — those magnificent temples which are the pride and ornament of this land; but the greater part of the wealth of the Church has been taken away, and now, the whole income of the Church, if equally distributed, would only afford a stipend of 250*l*. a-year to each of its ministers. Is this an overpaid institution? Is this excessive wealth? Some persons may think it would be better, though I cannot agree with them, if the income were more equally distributed—but this is not the present question—neither would it be so easy to accomplish—because 5,878 of the advowsons are private property, and, therefore, safe from invasion—neither would a different distribution of the income create a surplus, applicable to the present occasion. Sir, there are two great objects which it is equally desirable to attain—the multiplication of churches and the multiplication of resident clergy. To the promotion of these objects, the Church is about to contribute, through the operation of a bill which was now before the House. I support that bill. It was always my opinion that the Church should set the example, and I should not have said a word to-night, had that bill not been in progress; but the greater part of the 120,000*l*. a-year, which will be obtained by the operation of the Chapter and Revenue Bill, will be absorbed in the augmentation of poor livings. I had certainly thought that a fund for building churches might have been obtained by a revision of tenths; but the House rejected that proposition. I still think that a fund, to a certain extent, might be raised by giving increased value to the leasehold property of the Church, and I only regret that the noble Lord, the Secretary of State for the Colonies, does not appear to be disposed to carry that measure into effect; but all these resources together would not be equal to the present emergency. But it seems that the Church has received Parliamentary grants already, and therefore, we are told, she must have no more. Sir, it appears to me that this argument makes for us, and not against us—it only shows in what manner Parliament has been accustomed to act. It affords a precedent—a precedent which I hope will be followed on the present occasion. Sir, I think I have shown that neither the voluntary principle, nor the resources of the Church, nor both together, are equal to the present emergency—nor would the Dissenters be able to fill up the gap, if Parliament should decide to do nothing; nor, if they could fill up the gap, should I feel satisfied with that result, for without meaning to say anything uncharitable or disrespectful, I must say that I see so much to regret in the multiplicity of sects by which this country, more than any other in Europe, is overrun. I see so much heart burning, and strife, and dissension, arising from that source, that putting all other considerations out of the question, were it only for the sake of peace and kindly feeling, I should deeply regret to witness a great increase of that of which the tendency is to sow amongst us the seeds of discord. Sir, however occasioned, there is at this moment, an amount of spiritual destitution in various parts of the country, which cannot be relieved by ordinary means. Will the State be doing its duty if, under these circumstances, it refuses to step in? If it suffers thousands, and tens of thousands, to remain in darkness; demoralized, because without spiritual instruction; living in sin, and dying without hope? Would the wrong, if it be a wrong, done to Dissenters, by calling upon them to contribute, be nearly so great as the wrong which would be inflicted on the destitute, were we to leave them without assistance? Sir, if we are not influenced by pious considerations, or motives of benevolence, we might at least be moved by a regard for our own security. Recent lamentable events have proved the connection which exists between irreligion and insubordination. Chartism and Socialism have made fearful advances amongst the multitudes which have been suffered to remain in a heathenish state. If we neglect our duty, we expose ourselves to a fearful retribution. If we will not teach the people virtue, we must expect to suffer by their crimes. We have two duties to perform—by present help to assist in providing for the exigencies of the moment, and by the adoption of proper measures to prevent the recurrence of such a state of things in future. We must recollect with how fearful a velocity the already dense population of the country increases year by year—it is our duty to have regard to future generations as well as the present. By one means or other we must provide, in a permanent manner, for the moral and spiritual instruction of the people. I repeat it, Sir, I by no means say, that the State is bound to take the whole expense upon itself. I say that the Church should contribute a part—I invoke the aid of the voluntary principle—I look to local and individual exertions. All I say is, that the State is bound to assist. Nor would I call upon the State to advance a large sum at once, I think the better way would be to vote a certain sum for a certain number of years, chiefly to be applied in meeting local exertions, or expended on such as have not the means of assisting themselves. But the recurrence of the present evils will not be avoided unless a permanent church building fund is provided out of one source or the other, and unless the Church Building Acts shall be further amended, or rather altogether repealed, the whole eleven of them, and a new intelligible act passed in their stead, which shall make it just as easy and just as cheap to build a chapel of ease as a meeting house. Dissent in this country has spread to its present extent chiefly on account of the difficulties which were thrown in the way of building a church, whilst none of those difficulties are in the way of building a meeting house. In this respect the Church of England should at least be placed on a level with her opponents. I also entirely concur in the opinion expressed by my right hon. Friend, that the laws of mortmain should be relaxed. The time is past when public inconvenience was likely to ensue from the bequests which those laws interdict. The relaxation of those laws would now lead to nothing but good, and would be a great means of providing a moderate endowment for such new churches as may hereafter arise. But I am trespassing too long on the time of the House; I will, therefore, only repeat that I implore this House to have compassion on our destitute brethren, and not to declare that thousands and tens of thousands shall remain without the light of the Gospel.

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[*] Johnson's Letter to Drummond, Boswell's Johnson, by Croker, vol. ii. p. 27.

[Again there was a call for a division, and a reluctance to enter into the debate.]

Mr. *Villiers Stuart* said he had expected that some one on that (the Ministerial side of the House) would have stated his views in opposition to the hon. Baronet's motion. He had listened with great attention to the hon. Baronet's speech, and certainly if no answer were attempted to that speech he should feel it his duty to vote for the motion with which it had concluded. He considered he had an important duty to perform. He belonged to the established religion, and should be anxious to see it prosper; but, at the same time, he did not forget that he sat in that House the representative of a constituency, the majority of which were of another persuasion, and if in the part he then took he was displeasing his constituents, he should have no hesitation in resigning the seat in which their confidence had placed him.

Viscount *Dungannon* said it certainly appeared very singular to him that upon so momentous a subject the House should not be favoured with any opinion from any Member of the Government. He thought it was the duty of the noble Lord, who was called the leader of the House—a duty which he owed both to the House and the country—to state his views upon this question, which was one of no common kind. He had been rejoiced to witness the tone of the hon. Gentleman who had just addressed the House. The determination to which that hon. Gentleman had come, showed that, however men might differ on political matters, there were to be found amongst them some—he trusted the number would not prove few—who could unite to promote the means of religion in the country. But while adherents of the Government were thus coming forward, was it possible that the Members of the Government could allow this question to be hurried to a division without uttering one syllable upon it? Was it because the noble Lord had calculated his numbers, and was sure of a triumph? Or was it because he knew that he should be defeated, and therefore did not care to strive against the stream? Or did the noble Lord not think it worth his while to show any sympathy for the Established Church of the land? He was not prepared to see this question so suddenly and hastily brought to a termination, and he must say that he thought the course which had been attempted was highly indecent and thoroughly undeserving a British and a professedly religious House of Commons.

Mr. *Ward* said, the complaints which had been made from the other side of the House might be retorted with more than equal force. Up to within the last ten minutes not twenty Members were found upon the opposite benches; and while the hon. Member who had spoken since the hon. Baronet, had dwelt upon the silence on the Ministerial side of the House, and upon the absence of some of the Members of the Government, he had taken care not to notice that neither the right hon. Baronet, the Member for Tamworth, nor the right hon. Baronet, the Member for Cumberland, nor the noble Lord, the Member for North Lancashire, had listened for a single instant to the speech of the hon. Baronet. The motion had been considerably varied from the original notice, as he understood it. It was not that honest, straightforward motion which the House had a right to expect. When an individual came forward to read a lecture to the House, to the Government, and to the country, upon certain duties, he ought at least to act up to his own principles. The hon. Baronet ought not only to make out a case of destitution, but he should propose the remedy, and show where were the resources which would enable the House to grapple with the difficulty. But the hon. Baronet had drawn a most fearful picture of the spiritual destitution of the population, and, as he believed had greatly exaggerated that picture; and then he said he would leave the matter in the hands of the Government. The hon. Baronet contented himself with laying down his proposition, but made not the slightest attempt to apply it. The hon. Baronet would not say what should be done, nor would he give the Government the slightest hint as to how they ought to proceed in the matter. Now he contended, that while they were thus called upon to look at the spiritual destitution of the country, they must not forget the poverty and distress, which were still greater. That boundless wealth on which the hon. Baronet had descanted, had long ceased to exist, he feared; but, if riches were still so plentiful in this country, it was desirable that they should be applied to relieve the vast amount of physical misery which existed. But why did not the hon. Baronet state where the means were, and how they were to be got at? He had not even had the honesty to name the sum he wanted. Some of his friends had mentioned it for him, and had stated, that 8,000,000*l.* sterling was to form the capital, and that the sum of 400,000*l.* a year was to be the aunual contribution to the wants of the Church. He thought the hon. Baronet could not, consistently with his principles, and as an honest man, content himself with asking less. He admitted, that part of the case which the hon. Baronet had endeavoured to make out was founded in fact. He admitted, that there was a grievous want of religious instruction in some parts of the country. But there were funds and endowments in the possession of the Church already, with which to provide for the spiritual wants of her members. And it must be recollected, that the community was a divided community in every part of the country; that religious differences extended their ramifications, not only throughout every county, but into every town. Yet the hon. Baronet called upon the House to tax those who were administering religious instruction to the members of their own community at their own expense, for the special emolument of but one sect out of the many sects. The hon. Baronet would blame him for calling the Church of England a sect. What was it but a sect established by act of Parliament, and not by any means comprehending the majority of the population? For, although the hon. Baronet had said there were only 3,000,000 Dissenters, while he confessed that he had statistical data upon which he founded that statement, yet he should recollect that there were 8,000,000 Catholics in England and Ireland, and 3,000,000 Presbyterians in Scotland. Would he tax the Catholics of Ireland, and Presbyterians of Scotland, for that portion of the people of England which belonged to the Established Church of England. For three or four years the question had been debated in that House whether they should relieve the people of Ireland from what the noble Lord, the Member for Northumberland, called "too much Church." The House was now called upon to reverse that question, and to tax the people of the kingdom generally, for the purpose by which only a small portion would be benefitted. The hon. Baronet had drawn comparisons, and said, that the Dissenters were not so wealthy, as well as not so numerous, as the members of the Church. Yet he would call upon them to pay for others. He had spoken of Glasgow as a place where ignorance and dissipation abounded; and then, as a remedy for that state of things, he would tax the Presbyterian inhabitants of Glasgow, for the benefit of the English Church. Such was the practical effect of the grant which the hon. Baronet sought to obtain. They had no overt act of hostilities to allege against the Dissenters, no new symptoms of dislike to the establishment, but still the motion made it very difficult to say what were to be the bounds of the attacks which were to be made on Dissenters on the part of the Church. The hon. Baronet would not probably be prevented, were his motion agreed to, and steps taken for carrying it into effect, from coming forward another year, and declaring the failure of all he had done for the amelioration of the spiritual condition of the people, and that he saw no resource remaining, but the resumption of the Church lands, and the re-investment of the Church in that property which had been so long detained from her. He (Mr. Ward) must confess that his opinion of the hon. Baronet's honesty was somewhat shaken that evening in consequence of his finding that the hon. Baronet refrained from stating openly what was his plan. The fact was, he (Mr. Ward) believed, that a sort of compromise had been come to on the subject. There had undoubtedly been a great deal of negotiation, and in consequence the hon. Baronet had consented to put his motion into such a shape, that no hon. Member should be obliged to have to say that he had agreed to a vote of a definite sum, of 40,000*l.* for instance, to be taken from the general funds of the country, and that all who voted for the motion might be at liberty to vote against the next stage of the matter, but that there should be a general address to the Crown, which it should be left to her Majesty's Ministers to work out. He really believed, that something of this kind had taken place. But, however, that might be, the hon. Baronet had not, in other respects, pursued the straightforward course which he had expected from the hon. Baronet. The hon. Baronet had not stated the French system of religious education fairly, as the hon. Baronet must allow. The French minister of Public Instruction was authorised to issue a certain amount of money from the public funds to any minister of a congregation who could state that a certain number of persons were in the habit of attending upon his ministrations. Now, if the hon. Baronet said, that he would do this, and make a donation from the public funds indiscriminately, and equally to all sects of Christians, he for one should think such a proposition was deserving of the serious consideration of the House; but the hon. Baronet had no right to quote the example of France on this occasion, without stating correctly what France did. Then the hon. Baronet said, that the Dissenters had not opposed this grant. He believed, however, that the feeling among Dissenters was very strong against it; and if that feeling were less strong now than it had been some time back, the hon. Baronet might attribute the change to the circumstance of his having been left alone in his glory in that House on a late occasion, deserted by all his friends at his utmost need. For himself, he could say, that he had not seen one petition on the subject, and he had presented many, in which the working classes did not very feelingly express their conviction, that, harassed as they were with distress of a character deeper perhaps than any that they had ever known, this was not a time to call upon them, on whom fell the chief burthen of paying the indirect taxation of the country, to pay for the extension of the machinery of a church which was already in possession of resources to the amount of 5,000,000*l.* annually. But the hon. Baronet said, that we ought to agree to the grant because we were well able to afford it, that much taxation had been remitted since the war, and that it was our duty no less to pay for what was of such unspeakable importance than for the support of a war. Did the hon. Baronet suppose, that the people of this country would be imposed on by such arguments as these, and that the efforts which this country contrived to make in the war, when its existence was at stake, should be continued and made permanent, and that, too, for the purpose of adding to the revenue of an establishment which already was amply provided for from other sources? He (Mr. Ward) must say, he regretted that this motion had been made. In his opinion, it would do more to engender strife and ill-feeling than anything that could have been done, and he could not help thinking also, that it was most unfortunate, in this view, that the motion had originated with the hon.

Member for the University of Oxford, for Oxford stood in a peculiar and unfortunate position with reference to the dissenting body, education there being conducted on principles which excluded from the university a very large portion of the population of the country. The hon. Baronet called upon her Majesty's Ministers to carry into effect the principle of his motion, but he (Mr. Ward) felt persuaded, that the Government would not take upon them the responsibility with which the hon. Baronet wished to saddle them, they would leave it to the hon. Baronet to work it out. The hon. Baronet and those who supported him could not shrink from that, they must carry it out, and defend their conduct before their constituents. The hon. Members for Oxford and Nottingham had both used the words "this grant." Would they tell the House what it wa they meant? Was it 10,000*l.*, or was it 20,000*l.*? If they acted from eagerness to benefit the establishment by this motion, he thought they acted most imprudently. But what was the grant they meant? He did not think that a speech of three hours ought to have concluded in so vague a motion. The House ought to know the amount of the grant proposed, in order that they might know what they would have to do hereafter, in order to go through with the plan, if they took the first step which the hon. Baronet was anxious to induce them to take that evening.

Mr. *Milnes* said, the question under discussion did not admit of excitement—it was one which ought to be debated in a cool and deliberate manner, and it was for the House in that spirit to decide whether or not the hon. Baronet had not laid before the House a perfectly practical measure. It was impossible for the hon. Baronet to have asked for a money vote, as such a proceeding would have been irregular. The only course open, then, was the one which had been taken. With reference to the allusion to the voluntary system, he was of opinion there were evils in the social system which the voluntary system was totally incompetent to grapple with. The voluntary system did not meet the exigencies of the case. The great defect of the voluntary system was, that when the social system went on from bad to worse, the voluntary took no notice of the occurrence. To meet the existing evil, the proposition of the hon. Baronet (Sir R. Inglis) had been made. The friends of the measure wanted the matter to be looked fairly in the face—they wanted the proposition to be investigated, if fair, to be adopted, if not, to be put into possession of a better proposal. It was rather unfair on the part of the hon. Member for Sheffield to suppose, that the whole object of the measure was to procure certain churches to be built in certain districts. Without placing too much reliance on the efficacy of preaching, he could not help considering, that of all contrivances suggested by human ingenuity, with the view of grappling with moral evil, nothing was ever so effectual as the suggestion of a resident minister. It was not merely new churches and endowments that were required, but what they asked for was, to place in those districts where misery and evil existed, a resident minister to teach the community the simplest elements of humanity, to educate infancy, and to make the population feel they were not those despairing outcasts they considered themselves. The nation had engaged in wars for their honour and security, and war had recently been proclaimed, but of all wars, the war to be waged by the present measure was the most important and striking, for it was a war against evil which was lying at the bottom of society, whose surface showed nothing of the mischief, but which mischief might burst forth when least expected, and when least to be encountered with effect. Allusion had been made to the French system, but that system did not go towards curing the evil, it only went to pay certain recognised creeds, but it did not go the length of carrying out the voluntary principle as stated by the hon. Member for Sheffield. In answer to the proposal of the voluntary system, he would only allege the utter impossibility of carrying it out. Admitting, then, that the evil of church destitution existed, he called upon the House to see if any better system than the one laid before it could be supplied—namely, the plan of entrusting the sum to be raised to the hands of the Established Church. With respect to the alleged difficulty with the Irish people, there was an easy way to obviate it. The way was to make the tax a local tax. He was reluctant to lay any extra burden upon Ireland. The question was, how was the remedy to be applied—were they to give it to the English Church? He affirmed, that the Church deserved the trust—the Church had nobly done her duty—for during the last twenty years the Church of England had exhibited more moral energy than at almost any previous period. It was through the instrumentality of the English clergy, through the learning and Christian spirit they had displayed, that much of the exacerbation of feeling between the Church of England and the Roman Catholic church had been allayed. Under those circumstances he felt justified in asking the House to give the required proof of confidence in the Church of England. He asked it on another ground. The Church of England had proved herself one of the strongest barriers against infidelity and fanaticism, and all those who did not desire to see the country wrecked on those two shoals, ought to support the measure of the right hon. Baronet. They had seen how much unbridled feeling could effect in England and among the English people. History told them that fanaticism had stood boldly up to the bayonets of soldiers, while the Chartists, with only their charter to urge them on, had been dispersed at the very first fire of the soldiery. Though he asked the boon for the Church, yet it was more on account of the State, for the injury of one would prove the ruin of the other. He would only detain the House with one other remark. He asked the House not to consider this a party question, or to deal with it in a party spirit. He should give his earnest support to the measure of his hon. Friend.

Mr. *Baines* said, he did not rise to oppose church extension, but he wished the House to know what was the nature of the alleged destitution; and, also to know what was the appropriate remedy which hon. Members opposite might with justice propose. The hon. Baronet appeared to found his case upon the reports of the church commissioners. He thought there was some reason to complain of that foundation, at the same time that the report which he then held in his hand contained a very accurate condensation of the main facts upon which the question depended. It had been stated in that report that the quantity of church accommodation in the metropolis, so far from being sufficient for the whole population, was not sufficient for one-tenth of the poeple. He should examine that statement presently. In the mean time he would remind the House that the hon. Baronet, the Member for the University of Oxford, had read the following extract from the Second Report of the Church Commissioners:—

> "The most prominent, however (say the Commissioners), of the defects which cripple the energies of the Established Church, and circumscribe its usefulness, is the want of churches and ministers in the large and populous districts of the kingdom. The growth of the population has been so rapid, as to outrun the means possessed by the Establishment, of meeting its spiritual wants, and the result has been, that a vast proportion of the people are left destitute of the opportunities of public worship and Christian instruction, even when every allowance is made for the exertions of those religious bodies which are not in connection with the Established Church.
>
> "It is not necessary in this report to enter into all the details by which the truth of this assertion might be proved. Looking to those parishes only which contain each a population of 10,000, we find that in London and its suburbs, including the parishes on either bank of the Thames, there are—
>
> "Thirty-four parishes with a population of 1,137,000, while there is church-room only for 101,682; or, if we allow 25,000 for the number of sittings in proprietary chapels, the amount will be but 126,682.
>
> "In the diocese of Chester there are thirty-eight parishes, or districts in Lancashire, each with a population exceeding 10,000, containing an aggregate of 816,000 souls, with church-room for 97,700, or about one-eighth, the proportion varying in the different parishes from one-sixth to one twenty-third.
>
> "In the diocese of York there are twenty parishes, or districts, each with a population exceeding 10,000, and with an aggregate of 402,000; while the church accommodation is for 48,000, the proportion varying from one-sixth to one-thirtieth.
>
> "In the diocese of Lichfield and Coventry there are sixteen parishes or districts, each having a population of above 10,000, the aggregate being 235,000; with church-room for about 29,000, the proportion varying from one-sixth to one-fourteenth."

Now he begged to remind the House that, the report of the commissioners exhibited only one side of the picture, and that it would not be safe for Parliament, whose duty it was to legislate not for a single community but for the nation, to act on that partial view. The true state of the subject was this:—London and its suburbs, including the thirty-four metropolitan parishes mentioned by the commissioners with their population of 1,137,000, contained 194 churches and episcopal chapels which afford accommodation to 126,682 persons. They also contained 265 chapels, not of the Establishment, which, according to the rev. Baptist Noel, himself a great church extensionist, who had stated the fact in his letter to Lord Melbourne, would accommodate an equal number of hearers, so that in reality, there was in London double the quantity of accommodation for religious worship to that stated by the Church Commissioners, namely:—

Church accommodation for .	126,682
Chapel ditto for	126,682
	253,364

But even this was not a fair statement of the facts of the case. A more recent, comprehensive, and accurate statement which he held in his hand, derived from a religious publication of great industry of research, (the *Congregational Magazine*, for 1838), comprehending the cities of London and Middlesex, and the boroughs of Marylebone, Finsbury, the Tower Hamlets, Southwark, and Lambeth, with a population of 1,434,868, exhibited the following results:—

255 Churches, accommodation .	259,958
372 Chapels, accommodation .	214,003
	473,961

Being equal to about one-third of the population, instead of one-tenth. Taken in the separate division the returns stood thus:—

DISTRICT.	Population.	Churches, &c., of Establishment.		Non-conformist Chapels.	
		No.	Sittings.	No.	Sittings.
City of London..	122,700	75	47,624	47	31,814
City of Westminst.	202,460	37	39,668	38	21,119
Marylebone	240,294	34	43,703	42	25,542
Finsbury........	224,839	36	39,382	57	35,945
Tower Hamlets..	355,836	38	43,299	106	55,050
Southwark	134,117	14	17,675	40	20,590
Lambeth	154,613	21	28,715	42	23,493
	1,434,868	255	259,958	372	214,003

He was sure that the hon. Baronet was not aware that this was the state of the religious accommodation in London when he made his speech. He (Mr. Baines) had similar statements to make for some of the dioceses in which it was said the deficiency of church-accommodation was the most conspicuous. And first as to the diocese of Chester.

Of the thirty-eight districts of Lancashire, in that diocese, with a population of .	816,000
There was church-room for	97,700
Chapel-accommodation .	97,700
Making together, accommodation for	195,400

In the county of Lancaster there were sixty-eight parishes, containing 320 churches and episcopal chapels, and 530 chapels not of the Establishment.

IN LIVERPOOL,

In the diocese of Chester, the number of episcopal churches and chapels was . .	29
Other places of worship .	46

The estimate of average attendance was as follows:—

In the churches of the Establishment		45,000
Dissenting congregations	38,000	
Roman Catholics (communicants) .	12,000	
		50,000
		95,000
The population was .	168,175	

So that there was accommodation for nearly three-fiths of the people. This return corresponded with that made by the town-clerk of Liverpool, and was independent of Sunday-school scholars.

Of the establishment . .	6,000
Dissenters, Methodists, and Catholics	13,000

IN MANCHESTER AND SALFORD,

Also in the Diocese of Chester, there was a population of 272,761.

	Accommodation.
29 churches and chapels of the Establishment for . . .	33,000
71 chapels not of the Establishment for	43,700
	76,700

Sunday schools in the borough of Manchester.	Scholars.
25 schools of the Established Church .	10,287
61 schools not of the Established Church	22,909
	33,196

He would next proceed to the diocese of York, of which the returns were as follows:

LEEDS—(Town.)

			Accommodation.
Churches . .	9		13,325
Independent chapels	6	6,030	
Catholic .	2	1,630	
Wesleyan Methodist	7	11,160	
Methodists not Wesleyan	9	4,980	
Miscellaneous .	5	2,696	
			29,496
			39,731

as appeared from the statistical returns made in the year 1839. Population, 82,121.

SHEFFIELD.

Church and chapel accommodation from the returns made by the clerks of the Poor-law union in 1838:—

	Churches.	Accommodation.
In Sheffield	8	11,170
Attercliffe and Brightside	1	2,000
Handsworth	1	600
	10	13,770
	Dissenting Places.	
In Sheffield	18	3,520
Attercliffe and Brightside	8	16,095
Handsworth	4	1,080
	30	34,465

Population, 71,720

NOTTINGHAM,

RETURN MADE BY THE TOWN-CLERK TO PARLIAMENT.

Churches	5
Dissenting Places	23
The five churches estimated to contain	5,800
And the Dissenting chapels	12,000

Population, 55,680

Exclusive of 6,726 Sunday-school scholars, of whom 1,678 belonged to the Established Church, and 5,048 to the dissenters.

He would next quote a return from Birmingham.

BIRMINGHAM,

In the diocese of Lichfield and Coventry.

17 churches and chapels of the Establishment, with accommodation for	23,600 persons.
64 chapels, not of the Establishment, with accommodation for	31,100 do.
	54,700

The population of Birmingham, according to the census of 1831, amounted to 146,986, and it had since increased considerably.

There were 15 Sunday-schools of the Establishment, giving instruction to	4,565 scholars.
41 Sunday-schools, not of the Establishment, giving instruction to	12,101 do.

The returns made to the Poor-law commissioners in 1838 from the clerks of 246 unions, showed that five-tenths, instead of one-tenth of the public, were supplied with accommodation for religious worship. They were as follows:—

RETURNS MADE TO THE POOR-LAW COMMISSIONERS.

4,200 churches and chapels of the Establishment in 246 unions.

4,900 dissenting places, probably including licensed rooms.

Accommodation in these churches, &c.	1,730,000
Ditto in dissenting and other chapels, not of the Establishment	1,530,000

These unions comprehended a population of from 5,000,000 to 6,000,000 inhabitants, and the returns proved that there was religious accommodation for more than half the population in them. The hon. Baronet, the Member for Oxford, asserted, that there ought to be religious accommodation for all the population. This extent of accommodation could not be required. There were a great number of aged persons, and a great number of persons still under the charge of their nurses, who could not avail themselves of church-accommodation, even if it were provided; and he was afraid that there was a still greater number of persons who would not go either to church or chapel, supposing that a church or chapel were at their very doors. To provide church-accommodation, then, for all the population, would, under such circumstances, be a great waste of public money. The returns, which he would next quote, were derived from a variety of sources, and showed the number of dissenting chapels of each denomination, as well as the amount of money expended by the dissenters, including the Methodists, for the erection of their places of religious worship, and the annual expense they incurred for the instruction of the people in their moral and religious duties. There were in England and Wales—

Congregationalists or Independents	2,060
Baptists	1,460
Presbyterians	62
Total of the three denominations	3,582
Wesleyan and other Methodists	3,720
Calvinist Methodists	130
Welsh Methodists	640
	8,072

Exclusive of 500 Catholic chapels, 453 home missionary stations, and a great number of rooms licensed for preaching.

The cost of the erection of these places might be estimated at 1000*l.* each upon an average.

8,000 chapels, at 1000*l.* each	£8,000,000
Support of 8000 ministers, at 150*l.* a-year each	1,200,000
Expenses of upholding worship, charitable donations, missionary contributions, theological academies, &c., 100*l.* each congregation	800,000
Annual Expense	£2,000,000

All this cost was incurred voluntarily by the Dissenters of different denominations for the religious instruction of the people, without asking or desiring any contributions, either from the revenues of the State or the revenues of the Church in aid of these endeavours, and having done, and being still engaged in doing, so much of their own free will, it was not proper to call upon them for other payments, compelling them, in violation of the rights of conscience, to contribute towards the support of the extension of a Church, to the doctrines or discipline of which they had conscientious objections. He had no wish to contrast the effects of the religious and moral instruction given by the Dissenters with that imparted by the Established Church, but he might be allowed to say that such was its effects, that Dissenters were seldom to be found in prisons or in workhouses, from the former of which they were kept by a sense of moral and religious duty, early impressed upon their minds, and from the latter by those lessons of temperance and prudence, which, being inculcated in their youth, accompanied them through life, and kept them above abject want in old age. The Established Church possessed immense wealth, and had therefore no necessity to call upon others, not in their connexion, for compulsory payments for the erection of new churches. The ecclesiastical commissioners, in their report of 1835, had stated the annual revenues of the Church for ecclesiastical purposes to amount to a clear sum of 3,400,000*l*., but the returns of the tithe commissioners would show, when completed, that they amounted to upwards of 5,000,000*l*. a year, which sum taken at 20 years' purchase, proved the property of the Church as payable to her ministers, to amount to 100,000,000*l*. sterling, and adding 20,000,000*l*. for the value of the edifices of the Church and the parsonage houses, the whole amount would exceed 120,000,000*l*. As to the amount of churches proposed to be built by the church extensionists, Sir Robert Inglis had not ventured to speak out on this head, but Mr. Baptist Noel, with more frankness, had said in his letter to the Prime Minister on this subject, that 2,000 new churches would be wanted, and he had estimated the cost at 3,000*l*. each, showing that 6,000,000*l*. would be required. But he (Mr. Baines) estimated the expense of building the churches, endowing and upholding them at, at least, 5,000*l*. each, making a cost of 10,000,000*l*. sterling, and he asked how this sum, or any thing approaching to such an amount, was to be derived from an empty exchequer. The supply that was really wanted he considered might, without any demand upon the public purse, be obtained from the first fruits and tenths of the clergy under an improved administration of those funds—from church leases properly improved—from the voluntary contributions of the members of the Established Church—and from proper encouragement being given to persons disposed to erect proprietary churches. The hon. Baronet had reminded the House of the wealth of Churchmen; and if the Dissenters, who were so low in estate, that the hon. Bart. had said, that they contributed to the various infirmaries in some places only in the proportion of one in twenty, in others one in ten; whilst in Leeds he was complimentary enough to admit the proportion was one in four. If the poor Dissenters built places of worship for themselves, why could not the rich churchmen? The more the hon. Baronet exalted the wealth of the members of the Church of England, the less occasion was there for it to ask or to compel contributions from Roman Catholic Ireland, Presbyterian Scotland, or from the Dissenters of England. The hon. Member for Pontefract had said, that he would excuse Ireland from the payment of this tax; he hoped, that in his munificence, the hon. Member would bring both England and Scotland under the same excuse. It had been said that the Dissenters, though poor, were impertinent. Now, if they were so, it was because the Churchmen had no scruple about putting their hands into their pockets whenever they pleased. The hon. Member for Oxford had made a great flourish of trumpets respecting the petitions, which he had presented on this subject: "they were such petitions as had never before been presented to the House of Commons." Now there were upwards of 10,000 parishes in England, and printed circulars, containing forms of petitions, had been sent to each of them. He was, therefore, surprised that the returns made to those circulars had not shown a greater number of petitions. Looking at those petitions from a different point of view from that in which the hon. Baronet had contemplated them, he must say that not one of these petitions had received the sanction of a public meeting; they were all what was usually called hole and corner petitions, and he must be excused if he said of them, that a more paltry set of petitions he had never before seen presented to Parliament. He was aware that additional churches might be considered necessary in some parts of the kingdom, but if the first fruits and tenths of the clergy had been applied according to the recommendations of his hon. Friend, the Member for Nottinghamshire, from the time of Queen Anne up to the present day, there would not have been a district in the country, that would not have had plenty of churches, nor a clergyman without an ample income. In his opinion the misapplication of that fund was the cause of all the present difficulties of the Church. But though the embarrassments of the Establishment were considerable, he thought that it was not without the means of relief within itself. The noble Lord, the Member for North Lancashire, had indeed offered a very admirable solution of its difficulties, and the mode of escaping from them. For, in addressing his constituents at the last general election, the noble Lord said,

> "As to the wealth of the Church, it is appropriated to any other purpose than that of promoting its best interests."

The noble Lord proceeded to say, that

> "He thought that pluralities should be reformed, and that the wealth of the Church ought to be appropriated to raise the income of the poor clergy, instead of being devoted to purposes comparatively useless." (He added,) "He shared this opinion in common with those of every class in society."

And he gave the right hon. Baronet (Sir R. Peel) credit for sharing the opinion with him for he said,

> "And one of the first steps taken by Sir Robert Peel's administration was to issue a commission for the purpose of ascertaining whether by deducting from the wealth of the larger livings, and adding to the poorer, the Church might not be placed in the position of being much more available for the instruction of the poorer classes of society than it was at present."

Now, that was exactly the object at which the hon. Baronet, the Member for the University of Oxford, ought to aim; and as the noble Lord, the Member for North Lancashire, had so well indicated how it might be achieved, he did not conceive it necessary to say one word more with respect to it. There was another source of wealth which he had long thought might be applied to the relief of the Church, and to the extinction of Church-rates, and though the latter hope had failed, he was still of opinion that it might be made available to meet the destitution of the Church. He alluded to Church leases. He knew not to what more legitimate object that portion of the property of the Church could be applied than to remedy the deficiency in its means of affording spiritual instruction to its Members. The hon. Baronet had spoken of the voluntary principle as bad by itself, but good when rendered subsidiary to the Establishment. He considered it good in all respects, and, to show to what an extent it was capable of being carried even in the hands of the members of the Established Church, he referred to the fact that in Leeds a new church was now in the course of building at a cost of 20,000*l.*, every shilling of which was raised by voluntary contributions. Another church had also been very recently commenced in the same town upon the same principle. In short, the sum contributed for the purposes of Church extension in the town of Leeds, within the last few years was not less than 40,000*l.* This he thought afforded one abundant proof of the potency of the voluntary principle, and held out an example worthy of general imitation. He agreed with the hon. Member for Sheffield, that it was not the interest of the Established Church to make such a demand as that put forward by the hon. Baronet, the Member for the University of Oxford. It was calculated to alienate the Members of the Establishment, to sow the seeds of discord between them and the Dissenters, and to be productive of the most injurious consequences not only to the Church itself, but to religion in general. He trusted, that the voluntary efforts of churchmen, such as that which he had instanced at Leeds, and which redounded to their honour, would become universal wherever the necessities of the Establishment demanded them, and whilst the members of the Church were so exerting themselves to supply the deficiencies of instruction in their own particular tenets, he hoped the Dissenters would make corresponding efforts to maintain an adequate amount of instruction in theirs. He believed too, that the want of church accommodation had been a good deal exaggerated. Therefore, before the House assented to a proposition of this nature, he thought it would be bound first to inquire into the actual extent of the alleged destitution; and secondly, into the means which the Church might have within its own reach of supplying it. If he had succeeded in showing that the Dissenters contributed a liberal share towards the religious instruction of the people—if he had succeeded in showing that there was a disposition on the part of the country, when properly applied to, to make up any deficiency that might exist in that respect, with regard to the Church, he thought he might very fairly throw himself on the candour of the House to say, that at least that night they were not to have a vote of money, or even to give a pledge that public money should be voted for the purposes specified in the hon. Baronet's motion. If the hon. Baronet chose to modify his proposition, to say, "Let us inquire into the revenues of the Church, and satisfy ourselves of the extent of destitution," there would be but little objection to it; but he maintained, that the House was not now in a position to come to such a vote as that which was proposed to them. For these reasons he should give to the motion of the hon. Baronet his decided opposition.

Mr. *O'Connell* could not allow this question to go to a division without protesting against the speech of the hon. Baronet the Member for the University of Oxford. It was a speech that had two faults—it was skulking on the one hand, and audacious on the other. Skulking, because the hon. Baronet had not the boldness to tell the House fairly how much he wanted. On the other hand, he thought it a bold proposition for any one of the persuasions of this country—he would not say "sect," for the hon. Baronet said, that that term, as applied to the Established Church, was disrespectful—it was a bold proposition, he thought, that any one of the religious persuasions of this country should come out upon the rest of the community, and insist upon having an undefined sum of the public money for their own especial benefit. Such a proposition was the bolder coming from a Churchman, seeing that the whole of the nation, at the time of the Reformation was abundantly churched. The law changed, and gave the temporalities of the previously existing Church to the present Establishment. At that time they were told upon good authority that the number of churches in the kingdom was so great as to be scarcely credible. The present Establishment having let most of them go to ruin, now came forward and complained of their own default. It might be as the hon. Baronet had stated, that the population had increased since; but the value of tithes had also increased, and more land was brought into cultivation. So that if the population had increased, the wealth of the Church had increased in an equal ratio. Having enjoyed all the tithes and all the rental of lands belonging to the Church since the Reformation, if at the present moment there were a dearth of spiritual instruction in the land, whose fault was it? Must it not be the fault of the Established Church? Yet the Establishment had now the assurance to come upon all the other persuasions in the country to make good the deficiency occasioned by its own neglect in mal-administration. Only on Monday last, he saw a meeting advertised to be held at the Egyptian-hall in the Mansion-house, at which it subsequently appeared many noble Lords and right rev. bishops signed a requisition—for what? for subscribing money for foreign missions. Surely if the destitution of the Church were as great as was represented, the charity of these excellent individuals ought to commence at home. Surely the spiritual destitution at home should be removed before a crusade were made to correct the spiritual destitution in foreign countries. The Dissenters paid their own clergy, and built their own churches—other persuasions did the same, and neither complained nor came to Parliament for pecuniary aid. In Ireland the Roman Catholics supported a perfect hierarchy. Let it be remembered that up to the time of the Reformation, all churches were built upon the voluntary principle. Certain portions of the fabric, it was true, were repaired at the public expense, but prior to that period no law existed under which a tax could be imposed upon any body for building churches. It was so in Ireland to the present day—a regular hierarchy was supported there, consisting of twenty-seven bishops, including four archbishops, deacons, archdeacons, vicars-general, rectors and curates, besides a number of registrars. Upwards of 170,000*l.* had been expended in Dublin alone, within the last ten or twelve years in Roman Catholic ecclesiastical buildings. Why did he refer to this? To enable him to turn round upon the Established Church, which was so much richer, and to say, "If you want more churches why don't you subscribe amongst yourselves, and by that independent mode obtain the means of building them?" Above all things, what right had the Established Church to put its hands into the pockets of those who did not believe in its doctrines, and who looked upon its means of supporting itself as abundantly sufficient? The Established Church had 5,000,000*l.* a year. The hon. Baronet had spoken of the support given by the State to the church in France. Why, the whole of the budget for defraying the expenses of the church in that country amounted only to 1,400,000*l.*, out of which the clergy of all persuasions were paid, including those of the Jewish faith—all repairs also of all the churches—all hospitals attached to the churches, and many other expenses connected with religion and charity. This was for a population of 40,000,000; but in England, where the population in connection with the Church did not exceed 8,000,000 or 9,000,000, the means of the Establishment to afford adequate instruction were reckoned too small at 5,000,000*l.* a year. What connexion was there between religion and money? He had never been taught to associate them; but the hon. Baronet seemed to be of opinion that the one could not exist without the other. On a former occasion the hon. Baronet said, that he would not voluntarily give a penny towards the support of a religion in the truth of which he did not believe. He (Mr. O'Connell) would now remind the hon. Baronet of the virtue of "doing by others as we would be done by." He thought, that this was a most uncalled for demand on the part of the Established Church. It was the richest Church in the world, and he protested against the principle of its calling upon the members of other persuasions to pay the expenses of furnishing it with additional ecclesiastic edifices as being inconsistent with every notion of justice, and utterly unnecessary if there were any religious zeal among its adherents. He trusted that a state of things was approaching when the voluntary principle would become universal. At present he held the connexion between Church and State to be injurious to both, giving undue influence to the one, and corrupting the vital principle of the other. He sincerely trusted that the House would reject the motion.

Lord *Teignmouth*, as the only one of the sixteen representatives of the metropolitan districts who was likely to support the motion, hoped to be heard for a few moments. He could say, that in Marylebone, where there were 153,000 inhabitants, there was only church room for 20,793, and in the dissenting chapels for 12,070: that was one-sixth of the population. In Pancras, there were 145,000 inhabitants—there was church room for 18,000, and in dissenting chapels for 11,526. In Paddington, there were 20,000 inhabitants—church room for 3,000, and in dissenting chapels for 600. In Bethnal-green there were 70,000 inhabitants, and there was only church room for 5,000, and room in dissenting chapels for 2,000. As to the voluntary system, he maintained, in opposition to the hon. Member for Dublin, that it was notorious that it had failed. The unendowed churches and chapels were heavily in debt. Dissenting chapels, they were often run up on speculation, and as often failed as succeeded. As to Roman Catholics, it was said by Mr. Trevyllion, that they built chapels which might afterwards be turned into reading rooms. They were, after a great parade, left to the care of one priest and a few old women.

Mr. *Oswald* would say, as to the Glasgow dissenting churches being in debt, that was to be attributed to their not being able to pay the arrears for which they were responsible and were willing to discharge.

Lord *John Russell* intended to say a few words before he gave his vote. He understood the whole question to be, whether it were advisable, in that House, to go into a Committee of the whole House on a future day, for the purpose of addressing the Crown and declaring their readiness to grant money—to make a considerable grant, he supposed, after the statement that the hon. Baronet had made in proposing his motion—for the purpose of supplying the deficiency said to exist in the means of the Church of England. The question, then, to be considered was, whether the mode proposed by the hon. Baronet to remedy the deficiency was a good mode, or whether there was not some other mode by which they should seek, in the first place, to supply the deficiency. With respect to the first, it could hardly be doubted, after what had been said in the country, and after what had been stated in that House to-night, that considering, in the first place, the necessities of the State, which required an additional burthen being placed on the people—that an increase of the public burthens, for the purpose of adding to the means of the Church, would excite very considerable dissatisfaction. He did not think that, considering this burthen, an additional one should be imposed upon those of different religious opinions—upon those who in England itself dissented from the Church, and who in Scotland and in Ireland were found differing in a still greater degree from the Church of England—he did not think but this was a circumstance which would make it felt as a grievance to have an additional burthen imposed upon them for such a purpose. The hon. Member for Nottinghamshire seemed to think that it was a reason for this motion that many of its opponents expressed themselves in a tone of great bitterness to the Church. Now, so far was he favourable for consisidering this as a reason favourable to the motion, that because there were many who were opposed to the Church, expressed themselves hostilely to the Church, and who now not having grounds for attacking the Church would thus be able to work upon a people discontented from other causes, and having taxes to bear, would be able to bring still more strongly feelings of irritation against the Church than they otherwise could possibly excite. As the matter stood at present, although there were parties who were exceedingly hostile to the Church, and though they might be numerous, yet he did not think, on the whole, that this was a period at which the Church was in danger, or that it stood ill in the opinion of the people. If that, then, was the position of the Church at present, they ought to be very careful not to introduce a new burthen on the people, and thus cause hostility which did not now exist. The next consideration then was this—was there such an absolute necessity that, supposing all the statements which had been made on this subject were entirely accurate, and which had not been yet sufficiently inquired into; because, although the statements of the Church commissioners showed accurately the means of the Church, yet they did not, as it was not within their province, show with the same accuracy the religious instruction of the people; but, supposing that they took for granted, and without further inquiry, all these statements; yet then came the question, were there not other means to which they must look to supply the deficiency? In the first place, there was the proposition of the Church Commissioners, which they had been considering the previous night, and which, if adopted, would produce 130,000*l*., as an augmentation of small livings, and for supplying religious instruction. The hon. Member for Leeds had referred to the subject of Church leases. He had the permission of the highest authority in the Church—that of the Archbishop of Canterbury to say—that it would assent to a measure on the subject; but he did not say, that such a measure could be brought forward in the present Session. The views of her Majesty's Government had been directed to the better management and disposal of church leases. The opinion of the Government in bringing in a measure on the subject was, that there should be an appropriation of the surplus to the church-rates; but a majority of that House had not supported such a plan. The whole of the sum derived from this source might, however, be applied to the religious instruction of the people. He might be sanguine as to the amount to be derived from such a source; but he did believe, from the calculations that had been made, and which he did not think could be proved to be erroneous, that both those who held church livings would derive great advantages from the proposed change, and that a sum not less in the end than 200,000*l*. would be derived from the measure to be proposed on this subject. Then there was another mode to which the hon. Member for Nottinghamshire had referred. He had proposed, that the clergy having incomes above a certain amount should contribute to increase the supply of spiritual instruction, and by this means 60,000*l*. a year could be collected. He should himself be very reluctant to propose a measure of this sort, if he believed that it was contrary to the general opinion of the clergy, and if he believed particularly that it was contrary to the general opinion of the humbler classes of the clergy, who would most be benefited by the result of such a measure. But then if there was to be a grant to supply the deficiency, he would rather obtain the means of making it in this way than increase the burdens of the people. He had never heard any reason against taxing the higher incomes of the richer clergymen, so strong, as to induce him never to propose a plan of the kind, rather than proceed for such an object to the general taxation of those who dissented from the Church. The revenue of the clergy, on the average, was not very great, but then in no country in Europe was there such ample endowment for them in the higher stations in the Church as in England. If then they were to resort to a general taxation of the country, and not adopt this plan, when they compared the general income of the clergy here with the income of the clergy in other countries, it would become a topic, and an inflammatory topic, against the clergy, which might be used, perhaps, with very powerful effect. There were means for increasing the revenues of the Church, applicable to the spiritual instruction of the people within itself, which ought to be made available before they adopted such a scheme as that proposed by the hon. Baronet. There were two other things called in aid—there was the suggestion of several Bishops for donations and subscriptions for the building of churches. The subscriptions, he believed, in this metropolis, were sufficient for some forty or fifty churches; and there were means for endowing these churches. He did not consider that the voluntary system of modern times was inconsistent with the ancient mode of supplying the revenues of the Church. It was a mode which was adapted to present circumstances, and it was also the mode of the present day, to promote the success of other religions as well as the success of the Church. But in former times, when property was entirely confined to a few hands, when there was immense property belonging to the few, and the rest of the community was in wretched vassalry, then these great persons contributed out of their great means to the support of the Church. Now, however, there was a different state of society, and every person contributed sums, little in amount, but by which considerable funds were raised, and thus there had been an increase of a number of churches, and an augmentation in the amount of religious instruction. He thought, therefore, looking at all these different sources of revenue, that the Church would stand better, and would have a better prospect of providing adequate spiritual instruction, if instead of pressing unduly on the means of others, and appearing to withholdits own wealth from the purposes of the general instruction of the people, it adopted some of the plans which had been under consideration. At all events, it was necessary to ascertain more correctly what the circumstances of the different districts and towns of the country were. He did not think the hon. Member for Leeds had represented adequately the wants of the metropolis, nor did he (Lord J. Russell) think the circumstance of there being several churches close to one another in the city, any answer to the complaints which had been made with respect to a distant parish like St. Pancras. It did require details and a practical inquiry into the wants that were felt on this subject, before any conclusion could be correctly come to. He did not think they were in that state at present; and without proceeding to that inquiry, they never could tell what sums could be raised out of the revenues of the Church, or how they were to be applied. The real motion was, whether they wou'd consent to a very large grant of public money, and whether they would address the Crown for that purpose, and to that motion, for the reasons he had stated, he was not able to give his assent.

The House divided:—Ayes 149; Noes 168: Majority 17.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Alford, Viscount
Archdall, M.
Ashley, Lord
Bagot, hon. W.
Bailey, J., jun.
Baring, hon. W. B.
Barrington, Viscount
Bell, M.
Blackburne, I.
Botfield, B.
Bramston, T. W.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Calcraft, J. H.
Chapman, A.
Cholmondeley, hn. H.
Christopher, R. A.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Dalrymple, Sir A.
Darby, G.
D'Israeli, B.
Dottin, A. R.
Dugdale, W. S.
Dungannon, Viscount
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, Sir P.
Egerton, W. T.
Ellis, J.
Estcourt, T.
Farnham, E. B.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forester, hon. G.
Fox, S. L.
Freshfield, J. W.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grant, Sir A. C.
Greene, T.
Grimston, hon. E. H.
Grimston, Viscount
Harcourt, G. S.
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, F.
Holmes, hon. W. A'C.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Houston, G.

Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Jackson, Sergeant
James, Sir W. C.
Jermyn, Earl
Jones, Captain
Kemble, H.
Kelburne, Lord
Knatchbull, right hon. Sir E.
Lefroy, rt. hon. T.
Lennox, Lord A.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Col.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Viscount
Manners, Lord C. S.
Martin, T. B.
Marton, G.
Maunsell, T. P.
Miles, P. W. S.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
O'Neill, hon. J. B. R.
Palmer, G.
Palmer, R.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Pigot, R.
Polhill, F.
Pollen, Sir J. W.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smith, A.
Smyth, Sir G. H.
Stanley, E.
Stanley, Lord
Sturt, H. C.
Teignmouth, Lord
Thesiger, F.
Thornhill, G.
Vere, Sir C. B.
Vernon, G. H.
Villiers, Lord
Vivian, J. E.
Waddington, H. S.
Welby, G. E.
Williams, R.
Wodehouse, E.
Wood, Colonel T.
Wynn, rt. hon. C. W.
Yorke, hon. E. T.
Young, J.

TELLERS.

Inglis, Sir R. H.
Knight, G.

List of the NOES.

Abercromby, hn. G. R.
Aglionby, H. A.
Anson, hon. Colonel
Baring, rt. hon F. T.
Barnard, E. G.
Bewes, T.
Blacket, C.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Brabazon, Sir W.
Bridgman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B
Brotherton, J.
Browne, R. D.
Buller, C.
Busfield, W.
Byng, G.
Byng, rt. hon. G. S.
Campbell, Sir J.
Childers, J. W.
Clay, W.
Clements, Viscount
Clive, E. B.
Collier, J.
Craig, W G.
Crompton, Sir S.
Currie, R.
Dalmeny, Lord
Dashwood, G. H.
Denison, W. J.
D'Eyncourt, rt. hn. C.
Divett, E.
Duke, Sir J.
Duncombe, T.
Dundas, Sir R.
Dundas, D.
Easthope, J.
Elliot, hon. J. E.
Ellice, E.
Etwall, R.
Evans, W.
Ewart, W.
Fielden, J.
Ferguson, Sir R. A.
Finch, F.
Fleetwood, Sir P. H.
Gillon, W. D.
Gordon, R.
Greenaway, C.
Greg, R. H.
Grey, rt. hn. Sir G.
Grosvenor, Lord R.
Guest, Sir J.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, hn. E. G. G.
Howard, P. H.
Hume, J.
Hutt, W.
Hutton, R.
James, W.
Jervis, S.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lennox, Lord G.
Lister, E. C.
Loch, J.
Macaulay, rt. hn. T. B.
Maher, J.
Marshall, W.
Marsland, H.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D
Muskett, G. A.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
Ord, W.
Oswald, J.
Paget, Lord A.
Parker, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, G. R.
Pigot, D. R.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Protheroe, E.
Rawdon, Colonel
Redington, T. N.
Roche, E. B.
Roche, W.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.
Seymour, Lord
Sheil, right hon. R. L.
Shelburne, Earl of
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Stanley, M.
Stanley, hon. W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stuart, W. V.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talbot, G. R. M.
Talfourd, Sergeant
Tancred, H. W.
Thornely, T.
Tollemache, F. J.
Tufnell, H.
Turner, W.
Vigors, N. A.
Villier, hon. C. P.
Vivian, J. H.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
White, H.
Williams, W.
Wilshere, W.
Wood, B.
Wood, C.
Wood, G. W.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.

Baines, E.
Stanley, hon. E. J.

NEW SOUTH WALES.] Lord *John Russell* moved for leave to bring in a bill for the future government of New South Wales. He proposed, that instead of the present Legislative Council which was appointed by the Crown, that there should be a council of thirty-six members; that twenty-four of these members should be popularly elected, and that the other twelve should be appointed as at present by the authority of the Governor. He proposed that the plan should continue for ten years, for as the colony increased in wealth and population, the colonists would expect institutions similar to those of the North American possessions and the other colonies of Great Britain. He proposed a franchise of 10*l.* arising either from a house or a certain amount of property or land. The council would have all the powers that at present belonged to the Government council. There was also a proposal that the sales of land should take place only by authority of the Crown, and that the management of those lands should rest entirely with the Crown He would not then enter into the various provisions of the bill. As the colony was increasing in wealth and population, the present plan of transportation would be finally discontinued; and in a short time from the increasing number of emigrants, it would lose the character of a penal settlement. It was not, however, proposed to extend this measure to Van Diemen's Land.

Leave given.

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HOUSE OF LORDS,

Thursday, July 2, 1840.

Minutes.] Bills. Read a first time:—Arms (Ireland); Advances Amendment.—Read a second time:—Timber Ships.—Read a third time:—Vagrants Removal.

Petitions presented. By Lord Prudhoe, the Marquess of Westminster, the Earl of Harewood, and several other noble Lords, from Cambridge, Newcastle-upon-Tyne, Manchester, Westminster, and several other places, in favour of the Chimney Sweepers' Bill.—By the Earl of Haddington, from Master Chimney Sweepers of the Metropolis, to be heard by Counsel against the Chimney Sweepers' Bill.

Church of Scotland.] Lord *Brougham* rose to present a petition agreed to at a public meeting of the inhabitants of Edinburgh and its neighbourhood, which had been publicly convened, and which was signed as one account said, by 19,000 persons, and, as another stated, by upwards of 16,000 persons. He called their Lordships' serious attention (and particularly the attention of the noble Marquess (Breadalbane) behind him) to this petition, as affording information on many points connected with public opinion, as to the church question, in that part of the United Kingdom from which the petition emanated. The petitioners stated, "That it was in their opinion inconsistent with reason, and with the doctrines of Scripture, for human authority to mingle in matters of religion, and they conceived, that in the legislation of this empire, that principle was violated by the establishment of a State Church." Now, on this point, with reference to an Established Church, it was his misfortune entirely to differ from those, no doubt, worthy and conscientious persons. The petitioners then adverted to the baneful effects produced by the bestowal of state favour on the Church; and he begged leave to call their Lordships' especial attention to the following important statement of the petitioners, namely:—

"That this truth (as the petitioners called it) is at the present moment receiving painful, but instructive illustration, from the state of the Church of Scotland, which exhibits the inconsistency of rights being claimed inherently as their own by bodies salaried and supported by the State, and in active opposition to the law of the land, as it has been promulgated by the supreme and only competent authority. The petitioners cannot sympathize with them in their present conflict, because no church is entitled to lay claim to independence, while it actually depends on the State for its support; and because what these parties ask falls far short of what they would be entitled to demand if they were not thus connected with the State. The petitioners then pray, that your Lordships will refuse all applications for grants of public money for Church Extension, and that you will take all proper measures for the separation of Church and State."

Their Lordships were aware that he differed from these petitioners with respect to their fundamental position against the establishment of the Church of Scotland, which, if conceded, would have the effect of putting an end to all Church Establishments; but he thought that no person could read the statement of the petitioners, and be informed of the number who attended the meeting, and the great zeal and unanimity by which their proceedings were distinguished, without being convinced, that their cry against Church Establishments, and their desire for the separation of Church and State, had been mainly promoted and increased by the late proceedings of the ecclesiastical authorities in that part of the country.

The Marquess of *Breadalbane* said, as the noble and learned Lord had been pleased to make an attack on the proceedings of the General Assembly, he wished to offer a few observations on the subject. The noble and learned Lord had said, that the desire of a separation of Church and State had arisen from the conduct of those who directed the recent ecclesiastical proceedings in Scotland. [Lord *Brougham*: I said, "was promoted."] He thought that the noble and learned Lord had meant to go further. But it appeared that the noble and learned Lord charged those parties with only having promoted the feeling. But this was not a new question. Many years ago the subject of non-intrusion, and all those points that were connected with it, had been agitated in Scotland. Why was that? Because the Presbyterian clergy then, as well as now, were endeavouring to remedy what appeared to them to be a great abuse. It was from that feeling that the cry against ecclesiastical establishments arose, and not from the proceedings that had recently taken place. What the Presbyterians wanted, was a decision on this question, namely, how far they could separate the spiritualities of the Church from the temporalities.

Lord *Brougham* said, he had used the word "promoted" in speaking of the recent ecclesiastical proceedings in Scotland; and what he meant was, not that those proceedings had directly promoted the principle of separation, but that they acted as stimulants to the hopes of those who were anxious for separation of Church and State; who, when they saw what was done in the Church of Scotland, would be induced more strongly to hope that their wishes would ultimately be acceded to; and who would, in consequence, be induced to redouble their exertions to carry their favourite object.

The Earl of *Aberdeen* was not surprised at what had fallen from the noble Marquess after the notice for the hearing of counsel which the noble Marquess had given on a former evening. He believed that the presence of the noble Marquess would be very necessary, that he might support and countenance the cause which he had so warmly taken up—

> "Cum tot sustineas et tanta negotia solus."

The noble Marquess need not feel any alarm with respect to the Church of Scotland. It was very well for the noble Marquess to represent that Church as being in danger, but nobody thought of interfering with its just rights. The noble Earl concluded by moving that the House go into Committee on the

CHURCH OF SCOTLAND BENEFICES BILL.] The Marquess of *Breadalbane* said, he had given notice of his intentions to move, that counsel be heard at their Lordships' bar on behalf of the parties whose petition he had had the honour to present at the last sitting of their Lordships. Owing, however, to the short period which had elapsed since he gave that notice, it had been found totally impossible to instruct counsel properly on a question of such importance. He hoped, therefore, that the noble Earl would postpone proceeding till counsel could be fully instructed.

The Earl of *Aberdeen* said, the question in the first place, was, whether their Lordships would consent to hear counsel at all or not. For his own part, nothing would give him greater pleasure than that counsel should be heard. But it was for their Lordships to determine whether, consistently with the convenience of the proceedings of that House, they would consent to take that course on a bill of this nature. He had no objection that counsel should be heard now, but he could not consent to postpone going into Committee.

Viscount *Melbourne* said, he must repeat on this occasion what he had formerly expressed, that in his opinion, both with reference to the general principle, and to the regulations of this bill, it would be imprudent, inexpedient, nay, pernicious, to proceed with it. It was not now desirable to legislate on this subject. In the present state of the question, men's minds were greatly agitated, and he felt that it was impossible, such being the state of their feelings, to compose or settle the dispute by this bill. In fact, the only effect of this proceeding would be to excite fresh acrimony and additional animosities, and to encourage Members of that, as well as of the other House of Parliament, to arrange themselves on both sides to prevent that impartial consideration of the question, which, if fairly followed up, would at a future time lead to satisfactory results. Therefore, he contended, that the course pursued by his noble Friend opposite was not the most favourable or the most prudent, either with respect to the question itself, or to his own particular object. The real difficulty of this question was to be found in that which was the root and foundation of all these proceedings—namely, patronage. If his noble Friend hoped, by this bill, to put an end to the schism which prevailed in the Church of Scotland, then was the measure a hundred years too late, for that schism had for a long time divided the Church of Scotland, and had even been the cause of withdrawing from communion with that Church no inconsiderable proportion of the population of that country. As had been stated the other night by his noble Friend opposite, the whole of these proceedings arose out of the subject of patronage—to that might be traced the differences which prevailed at the present moment in Scotland. It might be said, that the system which was now acted upon was contrary to the practice, the tenets, and the spirit of the Church of Scotland; but those who maintained that position could not deny that it was in accordance with the usage, the custom, and the law, because they knew that such an assertion would not be consistent with the fact. The real question was this—there was a party in the country who wanted to abolish patronage, and another who wanted to maintain it, and you could not satisfy either without going the full length of their opinions:—

> "Hi motus animorum, atque hæc certamina tanta
> "Pulveris exigui jactu compressa quiescent."

This question seemed to have a remarkable tendency to inflame the animosities of the people, and it had also a tendency to induce the expressions of opinion on a subject that unfortunately was not particularly well understood in this country. He did not quite go to the length of Dr. Chalmers, who was reported to have said that in both Houses of Parliament, containing upwards of 1,000 individuals, there were not ten persons who had any knowledge or idea of this question. He did not go that length, but he thought that, looking at the interest which had been excited by the discussions now carried on, it was surprising how little the question had been studied or understood. He thought that the conduct of the noble Earl opposite, in urging forward this bill, was precipitate and unwise, and that it would have its effect on the minds of the people of Scotland.

The Earl of *Aberdeen* said, the noble Viscount had given a decisive proof that he at least did not understand the present state of the question. The noble Viscount was quite mistaken in supposing that the dominant party in the Assembly had any wish for the abolition of patronage, or that they had even talked of it. It was true that many persons in the Church did view with an eye of great disfavour the exercise of patronage, but that was not the question involved in this bill. The question was, whether the Church should exercise a certain power which implied the repeal of Acts of Parliament by which the Church was governed; but it had nothing to do with patronage. If their Lordships agreed to allow them to possess that power, which by their decision of last year they had denied them, it was very possible that patronage might be abolished in a short time by their own act, in spite of the laws by which it was secured; but he thought their Lordships would scarcely permit the General Assembly of the Church of Scotland to repeal Acts of Parliament, and, that before they consented to any measure of this kind they would themselves legislate on the subject. The noble Viscount seemed to suppose that he had made a mistake as to the schism. He (the Earl of Aberdeen) knew very well that a schism in the Church had taken place a century ago, but he very much feared that another schism might take place next month. The General Assembly, in the exercise of their usurped power, had issued their orders to their commission to proceed contrary to law against certain ministers of the Church who had opposed the majority of the Assembly, and determined to obey the law of the land as declared by their Lordships. The consequence would be, that in August, when the commission was to proceed against those ministers, all the ministers of the Church who adhered to the opinion that the law should be obeyed would take part with those suspended ministers. This would render each and all of them guilty of contumacy against the dominant party in the General Assembly, and they would thereby incur the penalty of deposition. That was what he (the Earl of Aberdeen) called a schism in the Church; one-half of the clergy would be in this condition. The difference between the schism and that which took place a century ago would be, that those who resisted the General Assembly would be supported by the law They were, therefore, the real Church established by law, because they acted in obedience to the law. It was the majority of the Assembly which defied the law, and which in the exercise of its assumed authority pretended to depose those clergymen whose only crime was that they had obeyed the law. That was the schism which he apprehended would take place in the month of August, and which he not only deplored, but wished to prevent. The noble Viscount said, that this bill would not be obeyed; he (the Earl of Aberdeen) hoped that the consequence would be different. The noble Viscount had certainly done his best, of course not intentionally, to prevent it from being obeyed. There were some persons who opposed the bill on grounds directly the reverse of those taken by the General Assembly, because they thought that it would abolish patronage. The noble and learned Lord on the woolsack thought that he had struck a blow at patronage, which was perfectly inexcusable, and that he might just as well at once repeal the Act of Queen Anne. That was not the opinion held in Scotland; it was thought there that the bill would destroy the independence of the Church, by not recognizing the monstrous pretensions that had been put forward. The noble Marquess opposite (Breadalbane) was, he believed, the single person in the House who thought that the bill would be injurious to the independence and the proper jurisdiction of the Church, but everybody else who had expressed an opinion, considered that the only objection was, that it would do too much to establish its power and jurisdiction. Notwithstanding this, the noble Viscount at the head of her Majesty's Government having come practically to the same conclusion as those who opposed the bill for a reason perfectly different, did certainly give encouragement to the resistance which might ensue if the bill passed, that would not have been given if the noble Viscount had thought it consistent with his duty to take another view of the subject. He had reason to know that numbers of those who opposed the bill had been led unwillingly into that course, and deeply regretted the dangers by which they were surrounded, and that they would willingly retreat from the position they had taken. This bill offered them the means of doing so, and had not the noble Viscount thought it his duty to oppose the bill, he did not doubt that if passed, it would have led to that result. He had thought it his duty to press this bill to its present stage, and, whatever might be the course he should afterwards take, he should certainly move the Committee to-day.

Viscount *Melbourne* said, that the schism to which he alluded, as existing in the Church of Scotland, was connected with the subject of patronage. He did not believe that the manifestation of that schism would be prevented by the bill of his noble Friend. With respect to the bill itself, and the important questions opened by it, he begged to be understood as having given no opinion whatever upon them. He had only said, that he thought it unwise and imprudent to press the measure at the present time, and under present circumstances.

The Earl of *Haddington* said, it was most true that his noble Friend had cautiously abstained from giving any opinion whatever on the great question which had now been agitating Scotland for the last year and a-half. His noble Friend need hardly have taken the trouble to bring that fact to the recollection of their Lordships, for every one must have been aware of it. He hardly thought that the reproach which the noble Viscount had thrown upon his noble Friend behind him, of having come 100 years too late for the settlement of this question, came with a very good grace from him. Their Lordships were all aware what was the course, or rather the no course, taken by her Majesty's Government on this question. They had had full warning at the time of the decision pronounced by the House in the Aucterarder case what was the real state of affairs in Scotland. He had stated on a former occasion, and he repeated now, that he thought the duty of her Majesty's Government at that time, considering the nature and extent of the existing controversy, was to have directed their most earnest and anxious attention to it, and to have thrown the whole weight of Government into the scale of the law of the land, in the way best calculated to settle the dispute. That they had not done; but they had continued hesitating and doubting whether they were to do something or nothing, and at last they resolved, pretty late in the course of the Session, that they would do nothing at all. His noble Friend had brought forward the measure as soon as the determination of Government was known, and he must tell the noble Viscount, that if he had made up his mind to support the general principle of the measure, from which he was satisfied that neither the noble Viscount nor any rational man could dissent, there would have been a strong ground for hoping that the question would be brought to a satisfactory adjustment. He firmly believed, that a great portion of the public opinion of Scotland—of that public opinion which generally guided the country in the long run, was in its favour. It had also the support of a great portion of the clergy, and he thought that if it became law, they would hesitate before continuing to oppose not only the decision of the highest tribunal in the country, but an Act of Parliament passed to declare the law. If no measure were adopted, the danger of a great schism, such as his noble Friend had alluded to, would become imminent, and it would be much more extensive than that which had taken place 100 years ago. He sincerely hoped that his noble Friend would think it his duty to persevere with the measure, notwithstanding the discouragement offered to him by her Majesty's Government.

The Earl of *Roseberry* thought, the bill would confer large powers on the Church of Scotland, because it would transfer the veto from the people to the presbyteries. It would, however, restrict the independent jurisdiction claimed by the Church in spiritual matters.

The Marquess of *Londonderry* begged leave to state that he had received from the north of Ireland a variety of opinions universally favourable to the bill, in which the Presbyterians of that part of the empire took much interest.

House in Committee, the several clauses of the bill were agreed to.

The House resumed.

The O'Reilleys (Ireland.)] The Marquess of *Westmeath* moved for a return of the party or parties to whom the 50*l.* stated to have been paid by the rev. Philip O'Reilly, Roman Catholic priest of Ballymacue, in the county of Cavan, was given for the compromise of the offence with which he was charged upon oath; also a return of the purpose or purposes to which the same was applied; and also a copy of the receipt given to the rev. Philip O'Reilly as a discharge for the same.

The Marquess of *Normanby* said, that there was this difference between the motion which the noble Marquess had made upon the subject last week, and the motion which he had brought forward that evening: In the former motion he had moved for papers which had existence; in the present he had moved for a paper which had no existence, at least, if it had existence, her Majesty's Government had no cognizance of it. With respect to the comments which the noble Marquess had passed on this transaction on a former evening, he had only to observe that he had received a letter that afternoon from Mr. Litton, the stipendiary magistrate, stating that the consequence of it had been the complete re-establishment of peace in that part of the country. The noble Marquess was trifling with the time of the House in bringing a motion of this insignificant character a second time under the consideration of their Lordships.

The Earl of *Haddington* protested against the right assumed by the noble Marquess opposite, to read his noble Friend a lecture for bringing, what he considered, trifling matters before the House. No doubt his noble Friend near him attributed greater importance to the subject than the noble Marquess was inclined to assign to it.

The Marquess of *Westmeath* would postpone the motion until the noble Marquess should have an opportunity of inquiring whether the 50*l.* had been paid or not.—Motion withdrawn.

Payment of Wages.] Lord Monson having moved the third reading of the Payment of Wages Bill,

Lord *Portman* said, that this bill, which was to be extended to railroads, canals, and public roads, would, in his opinion, be productive of the most serious inconvenience. It would be impossible to carry it into operation on railroads, and it was only applicable to a limited number of cases. It was calculated also to increase the number of beer-shops, which he was sure none of their Lordships would be willing to do. Workmen on railroads would be subjected to much difficulty in procuring provisions, and the public also would suffer much inconvenience. If the noble Lord persisted in pressing the bill, he should feel it to be his duty to move that it be read a third time that day three months.

The Marquess of *Salisbury* suggested that the bill should be withdrawn for the present, to allow time for its provisions to be fully considered.

Lord *Monson* said, the bill had been before their Lordships since the 5th of May, and had before met with no opposition. He was convinced that the measure was calculated to do much good, but at the same time he was perfectly willing to withdraw it for the present, to allow time for consideration.

Bill withdrawn.

HOUSE OF COMMONS,

Thursday, July 2, 1840.

WEAVER CHURCHES.] Sir P. Egerton moved the third reading of the Weaver Churches Bill.

Mr. *Thornley* begged to move the amendment of which he had given notice, namely,

> "That a Select Committee be appointed to inquire into the state of the river Weaver and Weston canal, and of the quantity and description of traffic thereon; also, of the amount of tonnage collected, and the application thereof, with the view to ascertain what reduction of toll can be made for the benefit of the public, and to report thereon to the House; and that the Weaver Churches Bill be not proceeded with until the Committee has made its report."

The tolls upon this navigation were already excessive, and if the House did not interfere they would go on increasing in proportion as the commerce of the country increased. If the tolls were more than sufficient to support the expenses of the navigation, surely they ought to be reduced, instead of being divested as this bill proposed to divest them, to the furtherance of an object with which this navigation had no connexion. He hoped the House would agree to the amendment which he had proposed.

Mr. *T. Egerton* begged to remind the House, that the tax for navigating this canal and river, about which so much was said, was only a farthing a mile.

Mr. *Hume* said, that this bill involved a principle of the greatest importance to every county in England. He objected to the application of county funds to the building of churches. The Act establishing the canal provided, that the surplus revenue of this navigation should be appropriated to the repair of highways and bridges, and why, he wished to know, should that object be now departed from? Such a departure was a violation of the law, to which he for one would not be a party. He thought, that in a matter of such national importance it was the duty of the government to interfere.

Mr. *Hindley* said, that this bill came before the House in the shape of a private bill, but it was a bill involving matter of the greatest public importance. He hoped the House would allow the bill to be referred to a Committee.

Mr. *J. Jervis* understood there was a technical objection to his moving the clause of which he had given notice, for the remodelling of the constitution of trustees. Notice of the clause had not been deposited in the Private-bill office. Would the hon. Baronet (Sir P. Egerton) allow the third reading to be adjourned till to-morrow, so as to give an opportunity to deposit notice of the clause. [" *No, no!* "] Under those circumstances he begged to move, that the debate be adjourned.

Sir *P. Egerton* said, that the course proposed by the hon. and learned Member for Chester was a most unusual one, and he certainly could not accede to the hon. and learned Member's suggestion.

The House divided on the question of adjournment:—Ayes 151; Noes 205: Majority 54.

Mr. *J. Jervis* did not wish to offer any factious opposition to this bill, his only object being to have an opportunity of discussing the clause of which he had given notice, and which he considered to be of great importance. To give him that opportunity, he moved that the House do adjourn.

Mr. *T. Egerton* said, that it was the hon. and learned Member's own fault if he had not given due notice. He saw no reason why the bill should be postponed.

The House divided on the question of adjournment:—Ayes 74; Noes 275:—Majority 201.

On the question being again put,

Sir *George Grey* suggested, that the third reading of the bill should be permitted to take place, and that on the question that the bill do pass, further proceedings should be postponed in order to give his hon. Friend an opportunity of bringing up his clauses.

Lord *Stanley* concurred in the suggestion of the right hon. Gentleman. He was sure his hon. Friend would be the last person in the world to throw technical difficulties in the way of the hon. Gentleman.

The House divided on the main question:—Ayes 201; Noes 122: Majority 79.

List of the AYES.

Acland, Sir T. D.
A'Court, Captain
Alford, Viscount
Alsager, Captain
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagot, hon. W.
Bailey, J., jun.
Baillie, Colonel
Baillie, H. J.
Baker, E.
Baldwin, C. B.
Baring, hon. F.
Baring, H. B.
Barrington, Viscount
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Blennerhasset, A.
Boldero, H. G.
Bradshaw, J.
Bramston, T. W,
Broadwood, H.
Brocklehurst, J.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C.
Burroughes, H. N.
Canning, right hon. Sir S.
Castlereagh, Viscount
Chetwynd, Major
Cholmondeley, hn. H.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Colquhoun, J. C.
Conolly, E.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Cripps, J.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Dunbar, G.
Duncombe, hon. A.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Eastnor, Viscount
Edwards, Sir J.
Ellis, J.
Estcourt, T.
Farnham, E. B.
Feilden, W.
Fellows, E.
Fitzpatrick, J. W.
Fitzroy, hon. H.
Fleming, J.
Forester, hon. G.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, O. J. R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilron, Lord C.
Harcourt, G. S.
Hardinge, right hon. Sir H.
Hawkes, T.
Hayes, Sir E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hn. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
Jermyn, Earl
Jones, Captain
Kelly, F.
Kerrison, Sir E.
Knight, H. G.
Knightley, Sir C.
Lefroy, right hon. T.
Lennox, Lord A.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Viscount
Manners, Lord C. S.
Mathew, G. B.
Maunsell, T. P.
Miller, W. H.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, J.
Norreys, Lord
Northland, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Palmer, G.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, J.
Pemberton, T.
Perceval, Colonel
Pigot, R.
Planta, right hon. J.
Polhill, F.
Pringle, A.
Pusey, P.
Rae, right hon. Sir W.
Reid, Sir J. R.
Richards, R.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smith, A.
Smyth, Sir G. H.
Spry, Sir S. T.
Stanley, Lord
Stewart, J.
Sturt, H. C.
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thornhill, G.
Tollemache, F. J.
Trench, Sir F.
Trevor, hon. G. R.
Turner, E.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Viscount
Walsh, Sir J.
Wilbraham, G.
Williams, R.
Wood, Colonel
Wynn, rt. hon. C. W.
Young, J.
Young, Sir W.

TELLERS.
Egerton, Sir P.
Egerton, T.

List of the NOES.

Adam, Admiral
Alston, R.
Anson, hon. Col.
Bainbridge, E. T.
Barnard, E. G.
Barry, G. S.
Berkeley, hon. C.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Buller, E.
Busfeild, W.
Byng, G.
Callaghan, D.
Campbell, W. F.
Cave, R. O.
Chapman, Sir M. L. C.
Clive, E. B.
Corbally, M. E.
Crompton, Sir S.
Denison, W. J.
D'Eyncourt, right hon. C. T.
Duncan, Viscount
Duncombe, T.
Dundas, Sir R.
Easthope, J.
Elliot, hon. J. E.

Ellice, E.
Erle, W.
Evans, Sir De L.
Evans, G.
Ewart, W.
Fielden, J.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Fort, J.
Goddard, A.
Gordon, R.
Grey, rt. hon. Sir C.
Guest, Sir J.
Hall, Sir B.
Hawkins, J. H.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, F. J.
Hume, J.
Hutt, W.
Hutton, R.
Jervis, J.
Lambton, H.
Langdale, hon. C.
Lister, E. C.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Mactaggart, J.
Marsland, H.
Martin, J.
Maule, hon. F.
Muntz, G. F.
Murray, A.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Oswald, J.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Ponsonby, hon. J.
Power, J.
Rawdon, Col. J. D.
Redington, T. N.
Rice, E. R.
Roche, E. B.
Roche, W.
Rundle, J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.
Sheil, rt. hon. R. L.
Smith, B.
Somers, J. P.
Somerville, Sir W. M.
Standish, C.
Stanley, hon. W. O.
Stansfield, W. R.
Stuart, Lord J.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Tavistock, Marq. of
Troubridge, Sir E. T.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, J. H.
Wakley, T.
Walker, R.
Wall, C. B.
Warburton, H.
White, A.
Williams, W.
Wood, G. W.
Wood, B.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.
Hawes, B.
Thornely, T.

Bill read a third time.

Further proceedings adjourned.

REGISTRATION OF VOTERS (IRELAND).] On the motion that the House go into Committee on the Registration of Voters (Ireland) Bill,

Mr. *O'Connell* rose to move an instruction to the Committee, in order that the franchise might be defined. He said, that they had yet forty-six clauses of the bill before them, and if any amendment was necessary, it was quite impossible that within the space of thirty days the noble Lord could expect to get through with those clauses. The noble Lord had, no doubt, the right to persevere with his bill, but whether he had used that right discreetly he (Mr. O'Connell) very much doubted. Was it consistent with common sense to persevere in making arrangements as to how persons should vote, without first ascertaining what the qualification for voting ought to be? It was reversing the proper order of things. It was as absurd as if a manufacturer should order a machine to be made without first determining whether he meant the machine for cotton or for flax. Let them, then, first ascertain the qualification: this was so obviously the proper mode of proceeding that in the bills which the Government had brought in to amend the registry, the franchise was so defined that everybody could understand whether he had the franchise or not. It had been asserted that the judges had so limited and defined the qualification, that no man could possibly doubt it. He denied that there was any such judicial decision. The noble Lord had expressed his regret that a minority of the judges stood out against the opinion of the majority and seemed to consider this a highly deplorable state of things; but there was a worse state of things than that. It was when the judges had been selected for their partizanship, and when the suitors found their best counsel on the bench. In no country was the minority of the judges bound by the majority, except in cases of appeal to a higher tribunal. But there was no such power in the majority of the judges in Ireland to bind the minority—it was an opinion described in law as an *aliter dictum*, but it was not a legal decision, nor ought it to bind the minority, if they were convinced the decision was wrong. Two of the judges had declared that it was not their opinion. What, then, was the state of the law in Ireland? It might be said to depend on the assistant barrister, and whatever judge went the circuit. On the point alluded to there was a difference of opinion among the twelve judges, five being one way and seven another. Two changes had since taken place; and if the two gentlemen substituted held the same opinions on the bench as they did at the bar, they would have the Lord Chief Baron opposed to the opinion of the ten on the one point, and the seven on the other. The opinions of the other gentlemen raised to the bench he did not know. The law, then, could not be said to be settled. If we were addressing a legal tribunal of perfect impartiality, he did not hesitate to say, that he could demonstrate the legality of the beneficial interest as opposed to the solvent tenant test. He would premise that the freehold was so arranged as to make it necessary for a person coming forward to state that he paid 10*l.* per annum, otherwise he could not be registered. He would show that the Reform Act intended something different. There was a familiar distinction which contained nothing of law, and well known to all—the difference between the rent a tenant paid, and his beneficial interest in the land. First of all, there was no rational person who would take land without expecting to have a beneficial interest in it. In England the political economists divided the beneficial interest thus:—they calculated that a person taking land, supposing at a rent of 10*l.*, ought to derive from it three rents—10*l.* for the rent, 10*l.* to replace the labour and capital expended in its cultivation, and 10*l.* of clear income or profit. This distinction was so well known that every Gentleman would understand him. Now, if the test was the rent paid by the solvent tenant, the House would perceive that this result would follow: that he ought to be able to extract 30*l.* a year out of his land. If they took, then, the solvent tenant's rent as the value, they doubled his income before they allowed him to vote. The noble Lord (Stanley) in 1828 had said, that it would make a 20*l.* of every 10*l.* franchise, and he had said perfectly right. According, then, to this test, the tenant must have 20*l.* profit before he was enabled to register, whereas, according to the beneficial interest, a profit of 10*l.* would suffice. By the act 10 of George 4th, which accompanied the Roman Catholic Emancipation Act, the 10*l.* franchise was introduced for the first time. By the second section, chap. 8, it is declared that no person should be admitted to vote unless he had a freehold estate of the clear yearly value of 10*l.* over and above all other charges and expenses. Now that 10*l.* is stated to be of the value of 10*l.*, and the act did not say in what manner it was to be tested. He would, therefore, remind the House that it was open to be argued whether this 10*l.* ought to be considered as a rent, or as a 10*l.* beneficial interest, which would, in fact, be 20*l.* In the words of the statute, they did not state that it was to be an interest of 20*l.* but of 10*l.*, and the construction, therefore, was against the solvent test and in favour of the beneficial. He admitted that there were other clauses in the act which made this appear somewhat doubtful, but he wished the House to understand that these words were not introduced in that part of the act which touched the question of freehold, but they were inserted in the clauses that related to the registry. By the seventh clause the revising barrister was required to examine the lease, and determine the nature of the estate, and whether the solvent tenant could afford to pay the annual sum of 10*l.* That was the first time that they had introduced the examination concerning the rent test on the occasion of the registry. The oath to be taken by the freeholder was contained in the sixth schedule, to the effect that his property was worth 10*l.* a year over and above all charges. Under these circumstances it was, that the noble Lord (Stanley) had shown that he understood the difference when he brought in the Irish Reform Bill, which provided that any person having a lease for a term of not less than twenty years, and having, therein the beneficial interest of the clear yearly value of 10*l.*, over and above the rent charges, should be entitled to the franchise. There was a plain distinction between the words of the Reform Act and the 10th George 4th, chap. 8. In the one it was a clear yearly value of 10*l.*, while in the other it was a beneficial interest of not less than 10*l.* Any fair judge would say, that the meaning of the 10th George 4th was only more distinctly expressed by the Reform Act, and that it required a 10*l.* beneficial interest. The whole of the 10th of George 4th was not only no longer required, but it was no longer part of the law. The question had come before the judges in Ireland as to whether the oath prescribed by the 10th George 4th should be the issue mentioned in that statute, or whether the beneficial interest should be sent to the jury, and there were ten judges to two upon that point. Was it right that ten judges should be at liberty to say, on an appeal to them from the decision of an assistant barrister, that every part of the registry under the 10th of George 4th, should be considered as annihilated, except the mere fragment of allowing an issue to go to the jury? Three of the judges admitted that the 10th of George

4th was repealed as to the juror's oath as well as in other particulars, and yet they came to the unheard of conclusion that the test of qualification was the profit rent test, and not the beneficial interest test as in the Reform Bill. The decision of these judges was given in private, in the absence of the parties and of the counsel. Baron Richards had declared this in a judgment he had delivered on circuit, and had declared that he did not consider a decision so given to be binding on him in his judicial capacity. It would be worse than the revival of a Star Chamber if judges were to be allowed to deliver their decisions in the absence of either the party or of counsel. Mr. Baron Richards felt this, and declared that after consulting the highest legal authority—of course he meant the Lord Chancellor and his brother Mr. Justice Perrin, who concurred with him—he was not committing any judicial indiscretion in acting upon his own individual opinion, although opposed to the majority of the judges on a case decided in private, and that in the instance then in question he felt bound to do so. The claim was accordingly admitted, and the man was registered. All he (Mr. O'Connell) wanted to show was, that the question was not yet decided. The greater number of the assistant barristers had decided it upon the point of beneficial interest. Several had decided upon the point of beneficial interest, and that was enough for his argument; while some had decided upon the profit rent test. That was the state of law in Ireland. It was a question of litigation between the judges on the circuit; and it was a question of difference between the superior judges; and being so, he called upon the House to put an end to it, in order that it might no longer be held out and known that if a man claimed before one individual he would be registered, and if he claimed before another he would not be; that the evidence being the same, the decision would be different. Were they to aggravate that state of the law by erecting a new registry before disposing of so fruitful a source of dissatisfaction and of disrespect to the judicial authority? Let the House decide in favour of defining the qualification, and then, indeed, they would be right in going on with the Registry Bill: otherwise they would be making the franchise a source of angry dispute—the law a matter of chance and not of decision, and creating a feeling of disaffection and disregard for the law, instead of its being respected as a distinctly defined and pronounced decision of the Legislature. The question next arose whether he had any mode to propose to arrive at this definition. That was matter for consideration in Committee. He, however, deemed it right to offer one or two suggestions to the House. The opinion of the hon. Member for Mallow might be taken up, and the definition of the franchise be founded upon the poor-rate. He was afraid great inconvenience would be felt in Ireland from the adoption of that mode. Another course might be to decide at once that a profit rent should be the test. If they did that they would take away the benefit of the Reform Bill, and make it a 20*l.* franchise instead of a 10*l.*, and incur still greater inconveniences. But all these might be spared if they adopted the beneficial interest test. By taking that test a man would have to shew first, that he had paid 10*l.* rent; second, that he had replaced another 10*l.* (say) for capital and labour; and third, that he had realised 10*l.* above these two sums, which would constitute his beneficial interest. How would he do this? He would give in detail the number of days' labour he had himself bestowed, the money he had paid for wages, the number of acres grown of oats, of potatoes, and of rye; the number of cattle fattened on the land, and what they sold for, and so forth. These were *data* which, being matters of fact, any man acquainted with vulgar arithmetic could readily produce. But if they took a profit rent test they would wander at once into imaginary ground. It would be a most fruitful source of every species of contradictory swearing. He had before him to-day an account of the Leith and Edinburgh railway. A claim for compensation was made by the trustees of Heriott's Hospital for a certain extent of ground required by the railway company. The company contended that the damages ought to be awarded at 1,500*l.*—500*l.* for damages and 1,000*l.* for the land. Five surveyors were produced by the trustees. The first valued the land at 9,000*l.*; the second valued it at something less; and the fifth came down to 7,000*l.*, making a difference of 2,000*l.* between the witnesses for the trustees. The jury gave 1,800*l*, being 700*l.* for damages and 1,100*l.* for the land. Yet nobody would for a moment suppose that either of those persons meant to perjure himself. Yet such was the effect of an imaginary valuation. The profit rent test necessarily mingled itself with the imagination of the person valuing it. But let them take the beneficial interest test, and the party would have simply to prove by figures the items he had mentioned, and thus furnish something like accurate materials upon which the judge could act, and particularly upon which the jurors could calculate. It would diminish litigation and the propensity to exaggerate on the one side, and to depreciate on the other. It would be for the Committee to decide which of these tests it would take. For the present he did not call upon the House to decide on any of them. His only object now was to show that some one of them ought to be adopted, and he had taken the liberty of suggesting what he thought was the easiest course to be followed by the House. He bitterly regretted that the noble Lord (Stanley) should not have allowed the English and Scotch bills to have preceded the Irish bill. Had the English registration bill been first carried, the House would not have heard the noble Lord repeatedly adverting to the practice of England in all that made against the Irish nation; but the whole question would have been fairly before them. The English Members would have been more anxious upon the subject; they would have been more alive to their own interests; and would have sought rather to extend the franchise among their constituents than to have curtailed it. At all events, they would not have been acting under the influence of an inclination, as it was almost impossible for them to avoid when legislating for Ireland, to limit, if not to annihilate the franchise. It was established before the fictitious votes committee for Scotland, that gross frauds were committed, and that 400 votes were, on one occasion, created without one shilling of value ever having passed from the voters for the property, or one shilling ever received by them. And was not England, too, dissatisfied with the registry? Why, then, was Ireland selected to be the victim of a process of registration before they had ascertained what system ought to be adopted in England, or what ought to be done to remedy the crying evils in Scotland? It was utterly impossible that there could be any gross frauds committed in the creation of votes in Ireland. The numbers on the registry would show this. In England, twenty out of every hundred of the male adults had a right to vote: in Ireland only four and a fraction out of every hundred of male adults had a right to vote. In Westmoreland, with a population of 44,000, there were more registered voters than in the county of Cork with a population of 700,000. Was it fair, then, that they should come out upon Ireland with their Registration Bill; and, above all, was it not imperative on them, under such circumstances as he described, to define the qualification before they pressed the bill upon the Irish people, in order that they might at least know what to ask for when they came before the assistant-barrister? He begged to move,

"That it be an instruction to the Committee to define the qualification, entitling persons in Ireland to be entered on the registry"

Mr. *Lefroy* said, that all that part of the argument of the hon. and learned Gentleman which related to the comparison of the different criterions with respect to qualifications might be dispensed with, because if he could answer the first part of the hon. and learned Gentleman's observations, it became quite immaterial what sort of qualification existed in Ireland. If he could show, that that qualification had been defined and settled by every branch of the Legislature, and that it was binding and conclusive upon the question, it was unnecessary to consider any other criterion than that which had been established. It was admitted on all hands that a decision had been come to by a great majority of the judges in Ireland, in the proportion of ten to two, upon the nature of the qualification. He was prepared to show to the House that the twelve judges had as complete an authority and jurisdiction to decide upon the question of franchise when reserved, for them under circumstances like those under which this question had been reserved, as the fifteen judges in England, or the twelve judges in Ireland had to decide upon any question of criminal jurisdiction. Under the civil bill jurisdiction the appeal was to the single judge, and yet it was the practice for the judge at the assizes to refer any question of difficulty under that jurisdiction to the appeal of the twelve judges, and their decision was held to be final and conclusive on every question so referred to them. All the most eminent judges, from the 36 Geo. 3rd., had adopted that practice, and it had remained to the present time unquestioned and unquestionable. Indeed there was a case or two at the present moment under the consideration of the twelve judges arising out of the civil bill jurisdiction which had been referred to them from the Sligo circuit by Mr. Baron Richards himself. The power of reference was not given in exact words by the act of Parliament, but it had arisen from the necessity of the case. The very same case occurred with the appeal given to the judge of assize under the Reform Act; the appeal was from the same parties, the assistant barristers; it was to the same party the going judge of assize, and the course of proceeding adopted was the same. And accordingly ever since the Reform Act, and indeed ever since the 10th George 4th. it was the habit of the single judges at assizes to reserve for the opinion of the other judges all cases of difficulty on the 10th Geo. 4th., and under the Reform Act, in short, on every question of difficulty upon the registration or the qualification. This had been done without question by every judge until Mr. Baron Richards came upon the bench. The decisions thus given had been quoted in all the courts of law as authority, and had been recognised by most of the individual judges in their appellate jurisdiction. What, then, was to constitute the law, if it were not a long and uniform train of decisions by the twelve judges for a series of years from the year 1829 to the year 1838, and if they did not recognize the decision of the twelve judges on questions reserved for them? He said, then, that the law must be deemed to be settled by the twelve judges; it was the necessary result of the individual appellate jurisdiction given by the Reform Act. It was not denied that they had decided by a majority of 10 to 2 the question of the qualification. There was, therefore, no occasion for a declaratory act, and for that statement he was sure that he would have the acquiescence of the highest legal authority in that House. But the hon. and learned Member for Dublin said that Mr. Baron Richards had differed from the remainder of the bench on this point, and that he had thought fit, in his individual appellate jurisdiction, to act upon his own opinion, against the opinion of a majority of the judges. He believed the fact was so; but he hoped that the learned judge would not persevere in a course which would render the law incapable of being settled—for although they had to-morrow a declaratory act, yet if a single judge could set up his own opinion against that of a majority of the judges, they might have a single judge setting up his individual opinion against the majority on the construction of the declaratory act. On the question of jurisdiction, also, he would rely on this decision of the judges as much as on the question of qualification. Under the tithe acts the twelve judges had no express jurisdiction given to them, yet they had upon reference decided a point, and the Lord Chancellor, in a case reported in Alcock's Reports, p. 36, had respected that decision. A similar decision under the Reform Act was cited before the Galway committee, reported in Perry and Knapp, and no man on either side had doubted the power of the judges to give that decision, and it had been acted upon by the committee. Under these circumstances, he hoped that he had established his position that the law was settled, and therefore that there was no ground for the hon. and learned Member's calling upon the House to define the franchise, unless, indeed, the law had been changed. The hon. and learned Member said that the qualification had been changed, and effectually changed by the Reform Act. He hoped that he should be able to show that it was not the intention of the Reform Act to change the qualification. It did intend to change the test for registration. In order to entitle a voter to exercise a franchise in Ireland two things were necessary—he must have a certain qualification, and he must have his vote registered according to certain prescribed rules. The 10th George 4th., made an alteration in the franchise, and it required a certain form of registration. The Reform Act did not make any alteration in the qualification, but it did change the method or mode of forming a test of the qualification by registration. This was very evident by a reference to the different sections of the two acts. Under the former there was an oath, by which the voter first swore to the value, and then to the solvent tenant test. Under the Reform

Act the solvent tenant test was dispensed with, and the words "beneficial interest" were not in the act. The Longford case was a decision on this very point. The committee in that case determined that the right to vote was in such freeholders or leaseholders, when the property in respect to which they claimed was of the actual value of 10*l.*, and was actually able to yield that amount over and above the sum paid for the rent of the same. Not only was it necessary that the voter should have property of the value of 10*l.*, but that he should be able to make that sum; and again, it was not sufficient that he could obtain the sum of 10*l.* for it, but there was the further question, whether the property was of the full value of 10*l.* in itself. And in the Longford committee, the witnesses who were examined were those who could give the value of the property in the market, as well as the inherent value; and this was what was required as a qualification as well under the 10th George 4th, as by the Reform Act. So it had been decided by the Longford committee, and he was not aware that there had been any other committee that had come to any decision upon this point. If, then, the judges had a jurisdiction for deciding this question, and if it had, in fact, been decided by them, he could see no grounds whatsoever for calling upon the House to entertain this question now, or to legislate upon it.

The *Attorney-General* rose, to enter his protest against the assertion that the law upon this subject was settled, certain, and decided, and that consequently there was no occasion for a declaratory bill. On the contrary, he maintained that the law was unsettled, uncertain, in a complete state of confusion, and that some legislative settlement was necessary. How could any one say, that the question was settled when those to whom it had been referred differed?—when judges had decided differently, when assistant barristers had decided differently, and when committees had decided opposite ways? The Longford committee had decided the beneficial interest to be not that of the 10th George 4th, viz., such a rent as a solvent tenant could pay, but the rent that the property was worth to the claimant. That was the beneficial interest, and so far as that case was concerned, the hon. and learned Gentleman was entirely mistaken. It was, therefore, strange to hear it said, that there was no necessity for a declaratory bill when they found judges and assistant barristers and committees of that House deciding in different ways. There were strong arguments to show that a new law was introduced by the Reform Act, and it was these arguments which had weighed with some of the judges, assistant-barristers, and the committees of the House. If there were no intention to change the law, why was not the qualification under the 10th George 4th adhered to in the 2nd and 3rd William 4th? The words, "beneficial interest," were introduced, and the oath was altered. When he argued a case in Westminster-hall, and found that the words of one act were not followed in the words of another, the inference which he drew was, that it was intended by the Legislature to alter the law. The words of the former act were not adhered to, the oath was different, the definition of the qualification was different, and there were, therefore, strong arguments to show that there was an intention to make a difference in the qualification. If the hon. and learned Gentleman would refer to what had passed in that and in the other House of Parliament, when the Irish Reform Act was agreed to, it would be difficult for him to say, that it was not the intention of the noble Lord that the franchise should be altered. But then the hon. and learned Gentleman said, "However these two acts may clash, and whatever argument may be drawn from the difference in the oath it is *res judicata.* The twelve judges of Ireland have decided the point, and it has now become at any rate judge-made law." To that doctrine he most strongly dissented. If the act of Parliament had referred this question to the decision of any tribunal, and if the majority of that tribunal had decided that question, the decision of that tribunal would have bound all mankind. If the hon. and learned Gentleman had been able to establish his premises, his conclusion would have been perfectly right. But how did the hon. and learned Gentleman show that the twelve judges in Ireland could form a tribunal to decide this question? They had no power to make any such decision. All disputed questions were referred, by the act of Parliament, in the first place to the assistant-barrister; if he had any doubt they were next referred to the going judge of assize. It was not to the twelve judges as a tribunal that the appeal lay, but to the individual, who, by the commission, might be appointed to go the circuit, and it frequently happened that he was not one of the twelve judges, but a serjeant or barrister. He might decide upon the case so long as the assizes lasted, but when that was over his power ceased. They were no more a tribunal, therefore, for the determination of these cases, than the assistant-barristers or than the revising barristers were, in England. There was nothing illegal in the judges giving their opinion upon such subjects, but the question was, whether that opinion was to be binding on those who differed from it. For his own part, most undoubtedly he should attach great weight to the opinion of a majority of the judges upon any question, but he should by no means consider himself bound by it, if he were called upon conscientiously, upon his oath, to declare what was his impression; and he thought that the Lord Chancellor of Ireland had given very sound advice, when he said, that the opinion of the majority of the twelve judges of Ireland was not binding upon those who dissented from it. There was no ground, therefore, for saying that this question had been settled by any tribunal, for there was no tribunal in Ireland entrusted with its conclusive decision. Then was there no necessity for legislating upon the subject? He thought, that where so much contrariety of opinion existed, it could not be taken that the question was settled, and that it would be far better that some conclusive provision should be introduced. He had thought it to be his duty to protest against the doctrine which had been laid down so confidently by the right hon. Gentleman who had last spoken, and he thought, that if he would review the whole of the subject with a little more deliberation, he would find that there was a marked distinction between a case of this description and one where, by the common law of the land, a reference of some point to the whole of the judges took place.

Sir *E. B. Sugden* said, that the point really lay in the smallest possible compass. The whole difficulty had arisen from expressions used in the English Reform Act, which as framed by the noble Lord, had stated the qualification of the voter to be premises of the clear yearly value to him of 10*l.*, and the noble Lord intended by those words to fix and ascertain most clearly that a man must himself have a tenement of a clear yearly value of 10*l.* Now, not the same words, but words having the same operation, were introduced into the Irish Reform Bill as it first came into the House of Commons, but the House of Lords were afraid that the words, " to him would lead to the same practical difficulties, as the words beneficial interests" had led to. They therefore struck out the words " to him," wherever they occurred in the bill. The bill then enacted, that a man must have a clear yearly value of 10*l.* He had at the time deprecated the change; he thought it dangerous; because he thought that it might be said, that the man might vote, not because he himself had that interest, but because the tenement was of that value. However, the Lords thought that the omission would have a different effect, and they therefore omitted the words. Now, the construction of the act which passed with this alteration, had been that which authorised the view taken by the Lords. To be sure, having introduced the word " householder " into the bill among other alterations, to which the words " to him," would not have been applicable, they were properly left out under the circumstances. It was at the suggestion of his right hon. Friend, that the words " beneficial interest" had been adopted, and therefore the Irish bill, in order to arrive at greater security, enacted that the claimant must have a beneficial interest of 10*l.* yearly over and above all rents and charges. Now, however, it was desired to tack the words " to him," to the words " beneficial interest," which, as he had explained, had been substituted for them; to add to the words substituted, the words for which the substitution had been made! This, he believed, was a perfectly correct statement of the facts. But now with respect to the question at issue at present, that was a question of freehold; and he must be allowed to say all parties misrepresented the state of it, and especially his hon. and learned Friend, the Attorney-general. The freehold qualification was altered, his hon. and learned Friend said, by the Irish Reform Act. That he denied. The 10th of George 4th had fixed the freehold qualification of 10*l.* clear yearly value over and above all rents and charges. But the question was, what amount of interest was the voter to have. He said the voter must have a free sum of 10*l.* value, whatever be the rents and charges, meaning the "charges," as he contended, all expenses of cultivation and so on—in short, all outgoings. That qualification he asserted had not been altered by the Reform Act, and he was sure that his hon. and learned Friend could not disprove the assertion. He admitted, however, that the Irish Reform Act altered the oath prescribed by the 10th George 4th, but the question was, did it alter the qualification? How did the case stand? The Irish Reform Act expressly stated, that they were going to give additional qualification. Now, he said that the Irish Reform Act nowhere cut down the freehold qualification as settled by the 10th George 4th; it only altered the oath, omitting the oath a juror, which was now no longer required, but making it imperative that the voter should swear that he had a clear yearly value of 10*l.*, and he, as a party to that act, could most sincerely say, that he had contemplated no other than a clear absolute yearly value of 10*l.* He should not have felt justified in taking any course less favourable to the Irish voter; for he wished to fix nothing in this respect on Ireland that he would not take for England. There was no difference, then, in the qualification; the oath made the only distinction. The test was just the same in the one case as in the other. It was his clear conviction that such was the true construction of the Irish Reform Act, which applied equally to the English Reform Act, which applied equally to the freehold qualification. He asked then that the same construction might be put upon the same words in each country, that construction being the construction given by the ten judges. However, he would not enter into the question whether this majority of the judges could bind the minority. It was a very nice point, and required very great research. However, his hon. and learned Friend admitted, he was glad to find, that there was no illegality in this meeting and decision of the learned judges. Nobody denied that it had been the practice for many years in Ireland, that the opinions of the majority on these occasions had been held to be binding throughout Ireland. In this case, therefore, they had the opinion of the majority; nothing could be more regular, nothing more constitutional. He was the last man who would wish to say anything that could be painful to any of the judges in Ireland, but if any judge thought that he was not bound by the opinion of the majority of the judges, he might justify his own opinion to himself, but that judge must be a bold man who did not find himself shaken in his own opinion by such a majority as ten to two. He must declare his opinion, that, in this view of the subject, it was not a safe or wholesome doctrine to state that the opinion of the majority of the judges was not binding on the minority. He submitted to the House that there was nothing to decide; and, if there were, at all events that was not the proper time to decide it.

Sir *D. Norreys* thought it was quite time the franchise should be defined. Neither judges nor barristers, nor Members of that House, had hitherto been able to agree on a definition. One party called the judges partisans for deciding one way, and another called the people perjurers for swearing another. He trusted, then, that hon. Members would look the question manfully in the face, and, throwing over the petty squabbles of Whigs and Tories, would at last let the Irish people know what amount they were really to register for. With respect to the words "beneficial interest," the insertion of those words in the Irish Reform Bill, had been the result of an unnatural connection between the right hon. and learned Sergeant opposite, and the hon. and learned Member for the city of Dublin. It was certainly an offspring worthy of such a union. However, he did not think the present the fitting occasion for discussing the meaning of those words, but trusted that on a fitting occasion he should be able to show, that it was full time to define the Irish franchise.

Mr. *Shaw* said, that in the discussion on this subject in 1835, the hon. and learned Member for Dublin had supported a similar measure to this, because it provided annual revision and an appeal both ways, and had not attempted any opposition on the ground that it did not define the franchise. He called on the House to support the motion for going into Committee, on the grounds stated in 1835 by the hon. and learned Member for Dublin, and to reject his present amendment, that amendment he was convinced not having for its object fairly to define the franchise, for the hon. and learned Member had himself stated, that such a definition ought to be made the subject of a separate bill, but being intended solely to obstruct the further progress of this measure.

Mr. *Lynch* observed, that the proposition of those who opposed this instruction was simply this:—that they should at once proceed to provide for the registration of the franchise, without defining what that franchise should be, and at the same time that it must be admitted that the existing law was by no means clear on the subject. He contended that the definition of the franchise was absolutely necessary, in order to ensure the due working of any measure of registration. The noble Lord having introduced the Reform Act, by which the franchise was left in this uncertain and unsatisfactory state, it was doubly incumbent on him to accede to a proposal to define it. It was argued on the other side that the law was clearly enough laid down at present, there being ten to two of the judges in favour of one particular view. But Sergeant Green and Sergeant Moore, who sat as judges on circuit, had intimated that their opinion coincided with that of the minority. With such a state of opinion among the judges could the law be said to be in a satisfactory state? He maintained, that it was not, and therefore called on the House to define the franchise according to the intent and meaning of the Reform Act.

Mr. *Litton* rose to enter his protest against the doctrine laid down by the Attorney-general, that it was competent or even decent for any single judge, or any two judges, to set themselves against the deliberate and mature opinion of the majority of the judges. Till to-night he had never heard any lawyer of eminence, at either the English or Irish bars, propound such a doctrine as this. When the English judges were specially referred to on a similar point, arising out of conflicting opinions on the point of law raised in the case of Frost, what was the reply of the judges to the case referred to them by the Secretary of State? Why, that the opinion of the majority must be held as the opinion of the whole. And when Lord Chief Justice Bushe wrote over to Lord Chief Justice Denman to inquire the opinion of the English judges, as to whether dissentient judges were bound by the opinion of the majority, Lord Denman distinctly informed the Irish judges that the universal practice of the English judges was, that they were so bound.

Mr. *H. Grattan* observed, that the House had for some hours had to listen to the eloquence of a number of learned Members. In the first place, there was his hon. Friend, the Member for Dublin, who was followed by the Member for the University of Dublin, who was replied to by the Attorney-general for England. That learned Gentleman was succeeded by the right hon. and learned Member for Ripon. The fifth lawyer was the second Member for the University of Dublin, who was replied to by the Member for Galway, and who was succeeded by the hon. Member who had just sat down, the learned Member for Coleraine, who was the seventh lawyer that had spoken on this question during the present evening. They had all disagreed in their opinions, and it appeared to him that no two of them attached the same meaning to the qualification. These seven learned Gentlemen were very unlike the seven wise men of the East, for it almost appeared as if they had exerted their ingenuity to see how much they could disagree on this subject. They had had the benefit of the opinion of an ex-Chancellor, and of learned counsel of the Crown, who might be regarded as acolyte judges; and when these authorities disagreed to such an extent, how could it be expected that persons who were not lawyers could agree? They had heard the ex-Chancellor of Ireland—and certainly one of the best Chancellors that Ireland had ever had—disagree entirely with the Attorney-general for England as to the present qualification, and as to the probable consequences of the present bill. In Ireland also there were eight judges on the one side, and four on the other; and the question would remain unsettled until the House took care that some definite interpretation was adopted. It therefore remained for the House to decide whether they were prepared or not, to adopt the application of the same principle to Ireland which the noble Lord, as a Cabinet Minister, supported in the English and Scotch Reform Bills. The only object of the hon. and learned Member for Dublin was to get a specific declaration as to the nature of the franchise, and to ensure something like certainty as to the groundwork for the claim. Not less than 550,000 signatures had been affixed to petitions against this bill in Ireland, and he was convinced that the people of that country would never submit to a measure like the present, which struck at the elective franchise in that country. He had no hesitation in saying that it was a cowardly course to adopt the system that had been acted upon in that bill, while they let the case of Ludlow stand unredressed, and Cambridge remain as it was. He could not help feeling that a quotation which occurred to his mind was very applicable to the introducer of the present bill:—

> "Cum tua prævideas oculis mala lippus inunctis;
> Cur in amicorum vitiis tam cernis acutùm,
> Quam aut aquila aut 'scorpio' Epidaurias?"

He was aware that he had departed from the quotation in using the word "scorpio" instead of "serpens;" but he, with his hon. and learned Friend, the Member for Dublin, preferred the former; and although the metre might not be the same, the terms were nearly synonymous, and both were in the same genus. On a former occasion the noble Lord only carried his motion for going into Committee by a majority of four, out of a House of 604; and was that sufficient to disfranchise the people of Ireland? Let them look at the recent proceedings at Cambridge and other boroughs, and ask themselves whether they could discover such disgraceful proceedings to have occurred in Ireland? The truth was, that the party on the opposite side of the House were anxious to disfranchise the Irish people, because they knew that they always stood forward to defend their own privileges and the liberties of the people of England against the Tories. It was evident that the noble Lord felt, that the state of the Irish franchise was the only impediment to his coming into power with the right hon. Baronet near him; he therefore was anxious, at almost any sacrifice, to disfranchise them. The noble Lord should change his name, and he must caution Members on that side of the House against calling him their noble Friend, for he was convinced that the proper designation to apply to him was the noble Captain Rock, for his proceedings in this matter would be nothing more nor less than the affixing a Rockite notice to the door of every voter in Ireland. He would tell the noble Lord and those who acted with him that they were very much mistaken if they supposed that the people of Ireland would tamely submit to a measure of wholesale disfranchisement like the present. The British Parliament disfranchised 200,000 on passing the Catholic Relief Bill, and the present measure would, if carried, cut off a large proportion of the constituency of Ireland. He called upon the English Gentlemen representing liberal constituencies to stand by them in that matter. They might depend on the support of the majority of the Irish Members at present, who would stand by the Queen and the country in every case of difficulty and in every emergency. Did hon. Gentlemen think that eight millions of people would tamely give up their rights and submit to a tyrannical measure like the present? There was a growing attachment towards England, daily increasing in the breasts of the Irish, and he wished that the House would never attempt to crush it by passing such bills as the present. The whole of the charges in which this bill was founded had grown out of the Spottiswoode conspiracy. It was only renewing the agitation on the Catholic question, and when they once excited the feeling, they could not tell when they could put a stop to it. He would ask the House who were the chief contributors to this fund? On looking over the list he found that a large proportion of them were ladies, whose pockets were picked by those who imposed the most monstrous stories on them with the view of getting their money. It was clear, that the renewal of agitation on this subject would not be bloodless, but was calculated to produce the very worst effects in Ireland. It destroyed the peace of families. On referring to the list of subscribers for the Spottiswoode fund, he found that one lady had been induced to subscribe against the election of her son, a second against that of her brother, and a third against her husband. In conclusion he would only add, that a passage which occurred to his mind from a popular poet was truly applicable to the originator of this bill. It was—

> "Oh! it grieves me to think, self-destroyed as thou art,
> What a rashness of temper thy spirit betrays;
> How a mountebank head and a renegade heart
> Have diverted their *victim* from Liberty's ways."

Lord *Stanley* said, the last word he had heard was something that diverted somebody or other; but he did not well know what. He had, however, listened to the hon. Gentleman's speech with much amusement, though but little instruction; and he felt bound in justice to the hon. Gentlemen to add, that whatever might have been the differences which existed between "the seven wise men" to whom the hon. Member had alluded in the course of his observations, the hon. Gentleman who succeeded them had not thrown any new light on the subject. But to come to the point at issue. What was the question before the House for discussion? It was whether or not the House should go into Committee on a bill which had been four times affirmatively decided before. Whether, in short, the instruction of the hon. and learned Member for Dublin, which, according to his own showing, went to introduce the elements of discord and ultimate destruction to its principle, should be acceded to, notwithstanding these four decisions of the House. The question involved in the instruction of the hon. and learned Member was by no means a new one; on the contrary, it had been already debated and decided on by a majority on a former occasion. On a previous evening the hon. Member for Mallow had given notice of a motion for defining the franchise in Ireland in connexion with the bill before the House; but he had taken the liberty of stating to that hon. Member the reasons why the question should not be then entertained, and the considerations which should induce the non-adoption of any definition of the franchise in the bill. The hon. Member was satisfied with these explanations, and courteously withdrew his motion. The hon. and learned Member for Dublin was not, however, satisfied with them; and he therefore moved, after the House had gone into Committee on the bill, that there should be an instruction as to the definition of the franchise in the same manner as he did at present. That question was debated, and the House refused to sanction or refer it to the Committee. And yet the hon. and learned Member now brought forward a motion to the same effect, having the same object, and with the same purpose, in the teeth of that decision of the House. He would not say with the view of causing delay, but certainly with the appearance, and perhaps the hope, of obtaining another day at this late period of the Session. On the occasion of the former debate on the question then under discussion, the noble Lord opposite had taken the course which he presumed he would take that night—namely, to declare himself adverse to all unfair opposition to the bill. On that occasion, too, the noble Lord stated, that he would for the future waive all opposition on his own part and on that of the Government to the bill going into Committee; and that he would neither interpose obstruction himself in the way of its progress nor support it in others. He firmly believed, that the noble Lord would now adhere to that pledge and this declaration, that would maintain his agreement; but still he could not help thinking, that it would have been a far more satisfactory course of proceeding on the part of the noble Lord if he had risen at an earlier hour of the night, and said, on the part of the Government, "We will not countenance this proceeding—the hon. and learned Member for Dublin can act as he likes, may move what he chooses, but we shall give our support as a Government to none other than a fair opposition." How far the opposition was a fair one he would now proceed to show. The Committee on the bill, the last night it was before them, were about to enter on the discussion of the 4th Clause, affecting occupiers and householders in cities: the three first had been disposed of, and the third after a heavy division. On the proposal of that clause the hon. Member for Kilkenny stated, that as it involved a question of taxation, there would be a strong opposition to it; and he thereupon waived his right to proceed farther then, though it was a far earlier hour than it was usual to relinquish bills in Committee, to give that hon. Member a full opportunity for the discussion of the question of cess and taxes. In strict accordance with the objection of the hon. Member for Kilkenny, the hon. and learned Member for Dublin at the same moment gave notice of a motion for an instruction to the Committee to define municipal cess and taxes. That was the notice the hon. and learned Member gave, as would be found on reference to the books of the House; and yet it was now changed by a singular sleight into an instruction to define the municipal function, and that changed and substituted motion was, that the House was called upon to discuss and decide. He asked the House and the country was that a fair opposition? Was that honestly and openly meeting the bill by argument? It might be, no doubt, a very successful course to adopt to stave off the bill for another day or another week; but if the hon. and learned Member, or those who countenanced him in this matter, thought it would be successful with the people of England and Scotland—if they calculated it would have the effect of staving off the bill altogether, he and they very much mistook the feeling of the people. When, at this late period of the Session, they should see a bill thus obstructed by a motion for an instruction previously debated and decided in the negative—an instruction, too, foisted on the House instead of the one for which notice had been given—when they should see this, they would not be slow in expressing their opinions, nor backward in putting them in force. He should not argue the instruction before the House. The noble Lord opposite separated the franchise from the registration in his English bill; the Solicitor-general for Ireland did the same in the bills he had introduced for Ireland; and yet the hon. and learned Member for Dublin would fain foist it into this bill. Where was the consistency in that? Where the fairness? The House had, however, decided before against the instruction of the hon. and learned Member, and he called on them to adhere to that decision in the present case. He would say no more on the subject. He would not lay himself open to the taunt thrown out by the Attorney-general in the course of the debate, in delaying by long speeches the progress of the bill, though he could not help reminding that hon. and learned Gentleman that the discussion had been brought on by the hon. and learned Member for Dublin. He would say not a word to impede it; and though he was aware that nothing could be done in Committee that night, he should, notwithstanding, offer not a single observation on a bill that had already had the sanction of the House and the care of a Committee.

Lord *John Russell:* I came down to this House this evening like the noble Lord opposite, thinking that the hon. and learned Member for Dublin would move an instruction to the Committee to define municipal taxes and cess, and not to define the franchise. With respect to the course which the hon. and learned Gentleman has taken, I say nothing; he can answer the charge, if charge it be, as he likes. But I am called on to say something in answer to the observations of the noble Lord respecting my not rising earlier in the night and putting a stop to this debate. Sir, I am glad I did not do so. It was quite impossible to listen to the exposition of the law as laid down by the hon. Member for the university of Dublin on the one side, and by hon. Members on this side of the House on the other, as to points involved in the question, and let it go by default. Was I to interrupt such a discussion, from whence so much information was elicited? On the contrary, I conceived that discussion to be so important, though brought on, I admit, without notice, that I ought not to interfere with it. But for my own part, I feel no difficulty in saying, that though the registration and the franchise may be better connected than disconnected, I cannot vote for the instruction. The noble Lord refuses to discuss the instruction, he declines to argue it, on the ground that it connects the franchise and the registration. But has he separated these points on his own side? Has he not, instead of doing so, rather introduced clauses into it of a contrary tendency, giving the decision of the franchise to the judges, a majority of whom have declared themselves adverse to it? It may be all very well for the noble Lord to say, he will not argue the instructions, because, that his mode of defining the franchise is the best—that, in short, his bill is perfection; but I cannot agree with his deductions that leaving the question untouched is the best mode of settlement. I must here allude to one or two points which throw some light on the bill of the noble Lord. The hon. and learned Member for Dublin said there were two main points in it, viz., providing for an annual revision and giving the appeal both ways, which were peculiarly obnoxious. For my own part, I would wish to wholly omit the latter from the bill, and to modify the former so as to make it less severe than it will be on the voters. Let us see how these points affect the franchise, and the seats of hon. Members of this House. My hon. and learned Friend (the Attorney-general) says that the voter is to be sent before a judge when his claim is disputed, even though the assistant-barrister should admit it, which judge may take a different view of the franchise from that officer, and may, consequently, not alone disallow the vote, but mulct the claimant in heavy costs. That is exactly the case; and it has been nearly so admitted by hon. Gentlemen opposite. But another result is still more extraordinary. It has long been held, that this House has the sole power of deciding on the elections of its own Members; but this bill will take away that power and confer it on the judges? Now what are the opinions of the judges? The hon. and learned Member for Coleraine said, it is settled law that the majority decides all questions as between these functionaries—the question of the franchise of course included — and I shall not contradict him, though I doubt, altogether, his inference; but it appears by the statement of my hon. and learned Friend, the Attorney-general that not only have two judges expressed a different opinion from the majority in this matter, but have also acted upon it: and further, that all future judges are equally entitled to differ on the subject. The right hon. Gentleman the Member for Ripon followed, and said the point was a very nice point, so nice that he should refrain from giving any opinion on it, which, if I were to interpret, I should say meant that his opinion was at variance with the object of the bill in this instance, and that he would not, therefore, inconvenience its supporters by disclosing them. But even if I am not entitled to draw this inference, I have the authority of my hon. and learned Friend the Attorney-general for saying that the minority among the Judges are fully justified in maintaining their opinions against the majority, which according to the hon. and learned Gentleman opposite, is "a very nice point." Thus those Judges who differed from their brother Judges, and though the minority preferred their own opinions to those of others, are wholly redeemed from the censure sought to be cast on them by implication in the speech of the hon. and learned Member for Coleraine; and I have no doubt that they will continue to decide on the franchise at each assizes in accordance with those opinions. But what says the bill of the noble Lord on this subject? If the claim of the voter be refused by the assistant-barrister, says the noble Lord's bill, the complainant may appeal to the Judge of Assize; and in the meanwhile, if an election should take place, he may tender his vote, pending the decision of his claim, and it shall be received until such claim is so decided. Now, what may be the consequence of this proceeding? If an election be carried by a very small majority, and if some of these votes be on the list of that majority, the seat of the person elected would be decided, not by a Committee of this House —not even by the select committee appointed last Session for contested election petitions—but by the opinion of the then going Judge of Assize, as to whether the claims in question were rightly or wrongfully disallowed. The seat of the candidate so elected would be at the mercy of the Judge, and depend entirely on an opinion. But on what opinion? On the settled and unanimous opinion of all the Judges of Ireland? Far from it. If decided on by Baron Richards or Mr. Justice Perrin, the Member would sit; but, if tried before Chief Justice Bushe or Mr. Justice Crampton, he would lose his seat. Now, I ask, was there ever so extraordinary a bill introduced into this House? First taking the jurisdiction away from this House, and then giving it to the Judges, to depend ultimately upon the individual opinion of a single Judge. The right hon. Member for Montgomery perhaps does not agree with me, but I can tell him that the author of the Grenville Act would have been shocked at such a piece of legislation. Sir, I am sorry to say, we have heard already, with respect to the opinion given by Baron Richards, language used in this House very unbecoming the House to listen to. But if such language be now used in reference to decisions upon the construction of the law of 1839, what may we not expect when this bill shall become law, and when each party shall be on the look out to see how the Judges will decide, for or against their respective partisans and candidates. Then we may certainly calculate on having the purity of the Bench assailed, for the disappointed party will not scruple to say that it was a political opinion, and not given in reference to the justice of the case. Sir, it is my intention, when we come to this clause in Committee, to oppose it on these grounds, and subsequently to proceed with another bill to remedy this deficiency with respect to the uncertainty of the franchise. Sir, I think it is my duty to see, that the franchise is properly and satisfactorily defined upon some clear and steadfast foundation. I think, Sir, that I shall only be doing justice to all the great interests at stake, first, to take care that some effective means be provided to ensure both speedy and substantial justice to the person claiming to exercise the franchise, and, secondly, to avoid the dangers and inconvenience that would result from giving our authority to decide on these claims into other hands. And I trust, Sir, we shall not be found in conclusion to have either betrayed our duty to ourselves or neglected our duty to others; and that we shall so conduct our legislation, that neither the supreme authority of the House in its own affairs shall be undermined, nor the purity of the Judges placed in a questionable predicament by the duties we shall delegate to them.

Sir *Robert Peel* said,—Sir, the course pursued in this House to-night appears to me to vary from any course which we have hitherto been accustomed to. After repeated trials of the strength of each side of the House, its opinion was taken, and it was agreed to go into Committee. The noble Lord then said, he would not be a party to any unfair obstructions, but he seems now to forget that he has been producing that effect in practice. We entered into Committee, but small progress was made. We got through three clauses with some difficulty, and find ourselves unfairly obstructed in the fourth. Only look, Sir, at what course has been pursued. Notice was given "to move an instruction to the Committee on the Registration of Votes (Ireland) (No. I.) Bill, to define municipal cesses and taxes." [Mr. *O'Connell* —It is the notice on the paper, but is not the one intended. It is a mistake.]—I was contradicted when I said the hon. and learned Member had put such a notice on the papers; but he says it was not that intended. Now what means can we have of judging respecting an hon. Member's intentions, or the business to be attended to, except the notice on the paper? Had not my noble Friend a right to consider what was stated on the paper was the business of the night? No intimation of change of intention was given either publicly or privately; but when my noble Friend was pressed he goes on with the business. The noble Lord did not discountenance the proceedings entered on at an earlier period, but just at the moment that there was a hope that some progress might have been made, he says he intends to oppose the motion of his hon. and learned Friend; but he does not end his speech there, for he commences a new discussion as to the principle of the bill. Time enough had been lost on this point before, and all possible objections and motions of delay urged in the previous debates; but all these were overruled and got rid of on the second reading of the bill. It is perfectly competent to the noble Lord to object to the decision of the Judges being made final, and to the injury which might result both to them and to the jurisdiction of this House by the delegation of our authority in the matter; but it is not fair in him to occupy twenty minutes at this critical hour of the night in discussing topics not before us, and already very sufficiently debated, apparently to serve no earthly purpose but delay, and so to gratify or conciliate the opponents of the measure. I am quite surprised that the noble Lord and his Government can submit to the humiliation that he and they have submitted to, in lending themselves to aid the covert attempt to strike a blow at my noble Friend and his bill. He is denounced as if he were guilty of the greatest constitutional enormity, because he gives a right of appeal against the claimant to vote to the Judges of Assize. Yet what does an enactment say in a bill submitted to this House, in 1835, that in the cases specified, "it shall or may be lawful for the parties to appeal to the next going Judge of Assize." This bill was not brought in by my noble Friend, but by the legal advisers of her Majesty's Government, by the then Sergeant O'Loghlen and Mr. Perrin. And yet the noble Lord who approved and supported that clause now turns round and denounces my noble Friend, because he has brought in a bill making the decision of the Judges conclusive against the House of Commons. I recollect that the noble Lord gave it as a reason for supporting that bill in 1835, that it contained such a clause, and now he comes forward to repudiate the acts of those now absent, who acted under his own authority. The noble Lord said the other night, in speaking of Mr. J. Perrin, that he was so satisfied of the identity of feeling existing between her Majesty's Government and Mr. James Perrin, that the latter was quite ready and willing to be thrown overboard if they deemed it expedient. I hope the noble Lord really knows nothing of the fact of that Judge, or any other Judge, being ready to do so; but if he does, I hope that he has, in common consistency, closed his ears against the anathewas poured out against that Government that would sully the purity of the ermine by converting Judges into political partisans to serve their own private ends. It is very possible that these observations of the noble Lord, may prevent any further effective discussion of the bill at present; and I must say, Sir, that I hardly regret it, for I am confident that the more consideration it receives the more support it will receive, and that the cause of right and justice must ultimately prevail. But, Sir, it is not characteristic of the cause of right and justice to proceed to discuss matters foreign to the business in hand, and so delay, and perhaps prevent, the establishment of a constitutional measure for the remedy and prevention of practical evils admitted to exist on all hands. It may be right to discuss points of principle in committee when the fitting occasion presents itself, but now when you want to discuss these points in detail, and in reference to their practical effect, you insist on going back to re-argue the principles. In conclusion, Sir, I will say that it strikes me that this course, and the very extraordinary course which has, in connexion with it, been pursued to-night, will tend to convince and conciliate supporters and friends to this measure, not only in England and Scotland, but also in Ireland, where its immediate action will take place and its good effects be chiefly experienced, and thereby lay the foundation of ultimate and lasting triumph.

The House divided on Mr. O'Connell's Motion:—Ayes 162; Noes 311: Majority 149.

List of the AYES.

Abercromby, hn. G. R.
Archbold, R.
Baines, E.
Bannerman, A.
Barnard, E. G.
Barron, H. W.
Berkeley, hon. H.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, E.
Busfeild, W.
Callaghan, D.
Cave, R. O.
Chapman, Sir M.L.C.
Childers, J. W.
Clements, Viscount
Clive, E. B,
Collier, J.
Collins, W.
Corbally, M. E.
Dashwood, G. H.
Denison, W. J.
D'Eyncourt, right hon. C. T.
Duke, Sir J.
Duncan, Viscount
Duncombe, T.
Dundas, hon. J. C.
Dundas, Sir R.
Dundas, D.
Easthope, J.
Edwards, Sir J.
Elliot, hon. J. E.
Ellice, E.
Ellis, W.
Etwall, R.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Fielden, J.
Finch, F.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Fort, J.
Grattan, J,
Greg, R. H.
Grey, rt. hon. Sir C.
Grote, G.
Hall, Sir B.
Handley, H.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Howard, hn. E. G. G.
Howard, F. J.
Hume, J.
Humphery, J.
Hutchins, E. J.
Hutton, R.
James, W.
Jervis, J.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Mactaggart, J.
Maher, J.
Marsland, H.
Melgund, Viscount
Mildmay, P. St. J.
Morrison, J.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Oswald, J.
Paget, F.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Phillpotts, J.
Ponsonby, C. F. A.
Power, J.
Ramsbottom, J.
Rawdon, Col. J. D.
Redington, T. N.
Rice, E. R.
Rippon, C.
Roche, E. B.
Roche, W.
Rundle, J.
Russell, Lord C.
Salwey, Colonel
Scholefield, J.
Seale, Sir J. H.
Smith, J. A.
Smith, B.
Smith, G. R.
Somers, J. P.
Somerville, Sir W. M.
Standish, C.
Stanley, M.
Stanley, hon. W. O.
Staunton, Sir G. T.
Steuart, R.
Stewart, J.
Stuart, W. V.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C, P.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, W.
Williams, W.
Williams, W. A.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Yates, J. A.

TELLERS.

O'Connell, D.
Grattan, H.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adam, Admiral
Ainsworth, P.
Alsager, Captain

Alston, R.
Andover, Viscount
Anson, hon. Col.
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, hon. Col.
Bainbridge, E. T.
Baker, E.
Baring, rt. hon. F. T.
Baring, hon. F.
Baring, H. B.
Barrington, Viscount
Basset, J.
Bell, M.
Bennett, J.
Bentinck, Lord G.
Berkeley, hon. C.
Bethell, R.
Blackburne, I.
Blackett, C.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Blennerhassett, A.
Boldero, H. G.
Bradshaw, J.
Bramston, T. W.
Broadwood, H.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Bruce, C. L. C.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Bulwer, Sir L.
Burrell, Sir C.
Burroughes, H. N.
Byng, G.
Campbell, Sir H.
Campbell, W. F.
Canning, rt hn. Sir S.
Castlereagh, Viscount
Cavendish, hon. C.
Cavendish, hon. G. H.
Chapman, A.
Chichester, J. P. B.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clay, W.
Clayton, Sir W. R.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Colquhoun, J. C.
Compton, H. C.
Conolly, Col. E. M.
Corry, hon. H.
Courtenay, P.
Cowper, hon. W. F.
Cresswell, C.
Cripps, J.
Dalmeny, Lord
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Douro, Marquess of
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Dunbar, G.
Duncombe, hon. A.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Ellis, J.
Erle, W.
Estcourt, T.
Farnham, E. B.
Feilden, W.
Fellowes, E.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, hon. H.
Fleming, J.
Follett, Sir W.
Forester, hon. G.
Fox, S. L.
Freemantle, Sir T.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Gordon, R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marquess of
Grant, Sir A. C.
Greene, T.
Greenaway, C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Guest, Sir J.
Hale, R. B.
Halford, H.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. S.
Hardinge, rt. hn Sir H.
Harland, W. C.
Hawkes, T.
Hawkins, J. H.
Hayes, Sir E.
Hayter, W. G.
Heathcote, G. J.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, right hon. Sir J.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Horsman, E.
Hoskins, K.
Hotham, Lord
Houstoun, G.
Howick, Viscount
Hughes, W. B.
Hurt, F.
Hutt, W.
Ingestrie, Viscount
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jermyn, Earl
Jones, Captain
Kemble, H.
Kerrison, Sir E.
Kelburne, Viscount
Kirk, P.
Knatchbull, right hon. Sir E.
Knight, H. G.
Labouchere, rt hn. H.
Lascelles, hon. W. S.
Lefroy, right hon. T.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, A. M.
Long, W.
Lowther, hon. Col.
Lowther, J. H.
Lygon, hon. Gen.
Macaulay, rt. hn. T. B.
Mackenzie, T.
Mackenzie, W. F.
Mahon, Viscount
Maidstone, Viscount
Manners, Lord C. S.
Marton, G.
Maule, hon. F.
Maunsell, T. P.
Meynell, Captain
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Monypenny, T. G.
Mordaunt, Sir J.
Morgan, C. M. R.
Morpeth, Viscount
Morris, D.
Neeld, J.
Nicholl, J.
Noel, hon. C. G.
Norreys, Lord
Northland, Lord
O'Ferrall, R. M.
Ord, W.
Ossulston, Lord
Owen, Sir J.
Parker, J.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Philips, G. R.
Pigot, D. R.
Pigot, R.
Planta, right hon. J.
Polhill, F.
Pollen, Sir J. W.
Powerscourt, Visct.
Praed, W. T.
Pringle, A.
Protheroe, E.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Round, C. G.
Round, J.
Rumbold, C. E.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Scrope, G. P.
Seymour, Lord
Sheil, rt. hn. R. L.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smith, A.
Smith, R. V.
Smyth, Sir G. H.
Spry, Sir S. T.
Stanley, hon. E. J.
Stanley, Lord
Stansfield, W. R. C.
Stewart, J.
Sturt, H. C.

Style, Sir C.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Sergeant
Tavistock, Marq. of
Teignmouth, Lord
Tennent, J. E.
Thesiger, F.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Townley, R. G.
Trench, Sir F.
Trevor, hon. G. R.
Tufnell, H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Verney, Sir H.
Vernon, G. H.
Villiers, Viscount
Vivian, Major C.
Vivian, J. E.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Walsh, Sir J.
Welby, G. E.
Williams, R.
Williams, T. P.
Winnington, Sir T. E.
Winnington, H. J.
Wodehouse, E.
Wood, C.
Wood, Colonel
Wood, Colonel T.
Wynn, rt. hon. C. W.
Young, J.
Young, Sir W.

TELLERS.

Shaw, right hon. F.
Litton, E.

Committee deferred.

House adjourned.

HOUSE OF LORDS,

Friday, July 3, 1840.

MINUTES.] Bills. Received the Royal Assent:—Sugar Duties; Timber Duties; Glass Duties; Tobacco Regulations; Poor Clergy Maintenance; Prisons; Frivolous Suits; Colonial Passengers; Rated Inhabitants Evidence; and Vagrants Removal.—Read a first time:—Caledonian Canal.—Read a third time:—Masters in Chancery.

CHURCH OF SCOTLAND.] The Earl of *Rosebery* had to present to their Lordships a petition from the parishioners of Marnock, approving of the conduct of the General Assembly in the case of the suspension of the seven ministers of the Presbytery of Strathbogie. The petition, went much into detail, he would content himself with stating the substance of it. The petitioners disapproved of the conduct of the seven ministers of Strathbogie in not obeying the directions of the commission of the General Assembly, their ecclesiastical superiors; and they applauded the conduct of the General Assembly in supporting the jurisdiction and the liberties of the Church against the intrusion of objectionable ministers. They earnestly trusted and hoped that the Church of Scotland would not suffer from the attempts of any of her own office-bearers to set at defiance her just authority, and overbear the religious privileges and conscientious feelings of her people, and they prayed that their Lordships would adopt such measures as may seem best for reconciling the differences which have occurred between the civil and the ecclesiastical courts, and enabling the Church to give effect to the principles of her constitution relative to the settlement of ministers.

The Earl of *Aberdeen* said, that the prayer of this petition called upon their Lordships to adopt some measure to reconcile the differences between the civil and ecclesiastical courts; but the petition itself was manifestly directed against the solemnly delivered judgment of their Lordships' House. The noble Earl had given no opinion on that judgment, and, as he had said nothing against it, he was warranted in concluding that the noble Earl coincided in its justice. It was very proper that the petitioners should pray, that an end should be put to the present state of things with respect to this question; but he must observe, that neither this year nor last year had any petitions been received on the subject from the General Assembly. No: the petition then before their Lordships stated, "That the Church was engaged in a negotiation for the settlement of the whole matter in dispute." In the course of that negotiation, it might be attempted to impose terms which could not be acceded to. The Assembly did not come before their Lordships as they ought to do, but they came before their Lordships as a party negociating with the Legislature for a satisfactory settlement of this question. The only complaint made against the seven ministers mentioned in the petition was, that they had obeyed the law. No human wisdom or ingenuity could devise any other charge against them. A decree was pronounced by a competent tribunal, to which they were obliged to yield obedience, otherwise they would have been liable to an action for damages. Their obedience to that decree was the whole matter of complaint urged by the petitioners against these ministers who, if they had disobeyed the law, would have been exposed to a legal proceeding.

Petition laid on the table.

POLITICAL PRISONERS.] Lord *Brougham* had to present a petition to which he wished to call the particular attention of the noble Secretary for the Home Department, as it contained a very serous complaint of ill-usage in one of her Majesty's prisons. The noble and learned Lord read an extract from the petition which stated that:—

"Joseph Crabtree, late of Barnsley, in the

West Riding of the county of York, and now a prisoner in Wakefield House of Correction, was tried at the Yorkshire Lent Assizes, 1840, and convicted of attending an illegal meeting, which was held at Barnsley on the 16th of July, 1839, and sentenced to two years' imprisonment in Wakefield House of Correction, subject to the most severe discipline; that your petitioner is a man of very bad health; he has been afflicted with a disease of the liver more than six years, and is at present very ill, not only of that complaint, but is likewise labouring under a pulmonary affection, which he feels assured must prove fatal if some change be not made in his treatment. He is locked up in his sleeping cell at six o'clock at night, a room about eight feet by six, where he must not walk about, or make the least noise whatever, but remain in perfect silence, till he is let out at six o'clock in the morning, at which hour he is taken into the day-room, and placed among the convicted misdemeanants, and he must there sit on a form with his face in one particular direction, in order that the officers may see the whole of the face; he must sit there until nearly seven o'clock in the evening, when he is again locked up in the sleeping cell. It is entirely close confinement; he cannot walk out into a yard, unless when sick, and then an officer is appointed to take a number of sick prisoners, and move them round a small yard about twenty minutes; this may be allowed twice or three times a week. On pain of being placed in dark solitary confinement for three days, to be allowed no more than half a pound of bread and cold water per day: he must not hang down his head so that his face cannot be clearly seen by the officers; he must not speak under any circumstances to any other prisoner; he must not stoop down to take any thing from the ground; he must not turn his head any way; he must not stand up; he must not laugh or smile, or make a motion with his lips or his hands to another prisoner; he must not look a prisoner in the face. If he want to attend the call of nature, he must put his cap on, and wait till called by one of the officers, which will sometimes be an hour and a half, there are so many in the room." The petitioner prayed, that their Lordships would be pleased to make intercession for mercy to be extended to him, "in order that he may be saved from certain death."

This petition had been sent to him by a very respectable individual, and, though he could scarcely believe the statements, yet he felt it to be his duty to present the petition.

The Marquess of *Normanby* would immediately make inquiries into the truth of the statements, but he was of opinion that they were greatly exaggerated.

Petition laid on the table.

HEALTH OF TOWNS—(SCOTLAND).] The Earl of *Haddington* wished to put a question to the noble Marquess opposite. He understood, from the public newspapers, that the Poor-law Commissioners had sent forth instructions for an inquiry, similar to that which had been set on foot in this country, as to the cause of fevers and contagious disorders amongst the poorer classes in Scotland, and the best mode of prevention. There could be but one opinion on the mind of every man of humanity as to the propriety of instituting inquiries of this kind. He did not, however, think the Poor-law Commissioners the proper parties to whom such an inquiry should be intrusted. Besides, he was apprehensive that the appointment of inspectors, by the Poor-law Commissioners, would lead the people to fear that an attempt was about to be made to tamper with the system which at present prevailed in Scotland with reference to the care of the poor. The inspectors were instructed to inquire into the rents paid by the poorer classes, the amount of wages they received, the ratio of expenditure, the capability of maintenance, &c. Now, he thought it would be better for those persons to confine their inquiries simply to the prevalence of disease, and the causes from which it was supposed to arise. He believed, if such questions were demanded, very few persons, clergymen or others, would be found willing to answer them. He should, therefore, ask whether such instructions as he referred to had been sent out? If so, what those instructions specifically were? and whether the commissioners had any power to inquire into the working of the Scotch Poor-law system? If instructions had been given, he wished to know whether the noble Marquess had any objection to lay them on the Table, together with a copy of the circular by which they were accompanied.

The Marquess of *Normanby* said, an inquiry into the cause of infectious disease having been set on foot in one district in England, had afterwards been extended throughout the country. In consequence, the town-council of Edinburgh, and the College of Physicians and Surgeons there, requested that a similar course should be adopted with respect to Scotland, and subsequently a petition to the same effect had been sent from Glasgow. Upon these representations, he was induced to believe that a strong desire existed that this inquiry should be pursued in Scotland, and, thus solicited, he had agreed that it should be so extended. On one point he could readily dispel the apprehensions of his noble Friend. It was not intended that the inquiry should be at all connected with the Poor-law system in Scotland. There would be no difficulty in laying on the Table a copy of the instructions.

POOR-LAW (IRELAND).] The Marquess of *Westmeath* rose for the purpose of moving for a select committee to inquire into certain elections of Poor-law guardians and other matters relating to the Poor-law Act in Ireland. He admitted that the recent Poor-law Act was a matter of vast importance to Ireland. He had opposed the introduction of it both in that House and elsewhere, and in so doing had exposed himself to the reproach of seeking his own interest as a landed proprietor. Such a view had never entered his mind. He held documents at that moment in his hand, which proved beyond all possibility of doubt that he had been but too true a prophet of the results of this measure. He believed that it had been brought in with the best intentions by her Majesty's Ministers, but unfortunately it had been converted by a certain party in Ireland into a mere political scheme. The evils of it had been immediate and disastrous. One of its leading objects had been to secure a proper provision of guardians. This was to be accomplished by votes taken in manuscript, which were to be returned to certain officers named in the bill, who were to declare on whom the majority of suffrages had fallen. In most parts of Ireland—and he held in his hand the returns from nineteen counties—these elections had been accompanied by the most violent interference on the part of the Roman Catholic priests. The main characteristic which marked all the elections, and particularly in the western parts of Ireland, was the combined efforts of the Roman Catholic priests to get their own partisans chosen into these offices, and thereby to put down the landed interest. Mobs had gone about to intimidate electors; armed parties had been employed in the night to take away from others their polling papers; individuals had gone about in the day-time either to get the voting papers from the parishioners, or to get them filled up according to their own wishes. In some places there had been fraudulent nominations of guardians, in others attempts at forgeries had been detected. In several cases individuals had been punished for these offences, but in no instance had they been brought home to the leaders in these transactions, owing to the influence of the Roman Catholic priests. In the county of Cork the Government had instituted a long and protracted investigation into these transactions, but there a Roman Catholic priest had acted a most prominent part in endeavouring to screen the policeman who had been guilty of the forgeries. On one occasion a priest, in defending a forgery, had let out his knowledge of it by exclaiming, "I wonder how they found it out." In the city of Dublin there had been sixty-eight well-established cases of forgery, and it had therefore become necessary to proceed to a new election. In Longford extreme violence had been displayed in open court, and in consequence the commissioner, Mr. Hancock, proposed to the Roman Catholic priests that each party should nominate two parties only, in order to avoid excitement and expense. That was the only place where this arrangement had taken place. The priests were discontented with it, and boldly avowed their determination to exercise the power which they had. A confederation to carry these elections in favour of the Roman Catholic party was general throughout the country. The lowest partisans were the great objects of the partiality of the priests, and in most instances had been elected guardians. Publicans keeping houses of the worst description, mere stews of vice, had been preferred to men of character and of landed property. But this was not all. Strange manœuvres had been tried upon the rating and valuation of tenements, particularly in the city of Dublin. In that city 314 houses had been originally rated at 10*l.*; and yet on those houses the rating had been altered in the most Radical manner. Mr. Vaughan, a respectable valuator, had given every reason why the original rating should not be disturbed; and yet, notwithstanding his reasons, the valuation was completely altered. Mr. O'Connell, the returning-officer for the union of Ennistimon, in the county of Cavan, had publicly advised the electors to elect those persons whom their priests recommended, and no one else. An investigation into that case had been ordered, and the minutes of it were then on their Lordships' Table. And yet all that the commissioners had said to that gentleman was, that if he acted thus again, he should be removed from his situation. The Poor-law Commissioner appointed in the county of Westmeath was a Dr. Phelan, who had been a member of the National Association. Of this the Government was perfectly aware at the period of his appointment. A meeting had been held in Mullingar for the purpose of dividing the county into unions, where Dr. Phelan attended, and made some statements as to the population of certain parishes which he had formed into unions, which had since turned out to be utterly false. Another very gross case had occurred at Cashel, where the object was, to exclude the landed proprietors from those elections. The election at Cashel took place at such an hour (contrary to the notification contained in the advertisement), that it was concluded entirely behind the backs of the landed gentry, and a noble Friend of his (Lord Hawarden) had made a complaint to the Poor-law commissioners on the subject. All these circumstances tended to show that a system prevailed throughout Ireland, which rendered it necessary for Parliament to interfere immediately with the view of providing some strong remedy. The existing power of appeal he held to be of no substantial advantage whatever. He submitted, therefore, that he had made out a case for a committee of inquiry into the working of the Poor-law in Ireland, according to the terms of his motion, which he concluded by submitting to their Lordships.

The Marquess of *Normanby* thought that the noble Marquess had selected his cases somewhat capriciously. He had commenced by stating with perfect candour that he had been originally an opponent of the Poor-law, both in their Lordships' House and elsewhere. The noble Marquess had proceeded to observe that the working of this system in Ireland had assumed an entirely political aspect. He was ready to admit, that in some parts of Ireland there had been partial instances of political bias; but he thought that this had been also observable in the case of the election of the *ex-officio* guardians. He appealed to their Lordships whether the noble Marquess had given them any grounds whatever for desponding as to the successful operation of that law which they had lately passed. No obstacle had been thrown in the noble Marquess's way in making out his case; all the papers which he had moved for were given without difficulty. He certainly thought that the noble Marquess must have been imposed on by some person, who furnished him with these details, and that they would eventually turn out to be unfounded. His information was completely at variance with that of the noble Marquess on this subject. He thought that the noble Marquess had selected for his statement every case in which an appeal had been made. There were in Ireland 104 unions established, and there had been thirty-four re-elections. As far as they could judge from the papers on their Lordships' table, there were only fourteen complaints. It should be understood that many of these unions contained several electoral divisions; and that of the complaints several were not from unions, but merely from electoral divisions. It was really surprising how very small a portion of the noble Marquess's statement was confirmed by the papers on their Lordships' table. It was true that forgery had been brought home to two policemen in the North Dublin Union. The Poor-law commissioners forwarded the particulars to the Government, one policeman was dismissed, while the other was forced to resign. Another complaint had been made in the Mallow Union against a policeman for similar misconduct. An investigation had taken place, and was conducted by the assistant Poor-law commissioner. Three magistrates superintended, and he would take a speedy opportunity of submitting to their Lordships these magistrates' opinion. He would, however, admit that this was a part of the subject well worthy of the consideration of the Poor-law commissioners. It might be beneficial to inquire whether any additional guards could be established on the transmission of those voting papers, and the commissioners had for some time back had the matter under their consideration, and he trusted that that investigation would be productive of much good. The noble Marquess had alluded to Leitrim, and had mentioned cases of abuse which had occurred in that part of the country. But it was impossible for their Lordships to know anything of those cases, and it would have been desirable that the noble Marquess should have moved in the first place for the production of papers relative to those outrages, and the proceedings of those armed parties to which he had alluded. At present there were no means of ascertaining whether those outrages were of a character to call for inquiry from their Lordships. He had been informed, however, by a Member of the other House of Parliament, that the noble Marquess was entirely mistaken as to Leitrim, and that nothing of the kind which he had stated had taken place there. This showed the necessity of having on the table papers in regard to those transactions on which their Lordships could rely, and how little dependence was to be placed on communications made by interested parties. He was perfectly ready to meet the noble Marquess on the cases contained in the papers upon the table of the House, but it was impossible to answer at once every complaint brought forward where no notice was given. The noble Marquess had stated that only persons of the lowest class found favour with the priests, and were appointed guardians. Now, he was informed on authority on which he placed perfect confidence, that it was by no means persons of this description who were elected guardians. On the contrary, respectable farmers had generally been elected, who were well qualified for the office, and who had been found to perform their duty in a satisfactory manner. When, therefore, the noble Marquess was misinformed as to the character of the persons elected, and as to what had taken place in Leitrim, was it not possible that he was also misinformed as to the other cases which had been brought before their Lordships? At all events when the statements were of such a conflicting nature their Lordships would see the necessity which existed for having official papers on the Table of the House before deciding whether there was sufficient ground for the appointment of a committee. With regard to the South Dublin union, there again the noble Marquess was misinformed. He had received a communication from the Poor-law Commissioner, from which he found that the valuator alluded to had admitted his error, but another person had been appointed in his place. In the case of Mr. O'Connell, the commissioner stated that it was impossible to dismiss him at the time of the election, because such a step would have the effect of stopping all the proceedings. When the election was over, however, the commissioners communicated their opinion on the subject to Mr. O'Connell, and no repetition of the offence had since taken place. As to what the noble Marquess had stated with respect to Westmeath, it was impossible for their Lordships, he conceived, to appoint a committee for the purpose of inquiring whether certain portions of an estate adjoined each other or not. The noble Marquess had candidly acknowledged that he had been misinformed as to the subject of the correspondence on their Lordships' table, and if the noble Marquess was so egregiously mistaken in 1839, it was for their Lordships to consider whether they would grant a committee upon statements which the noble Marquess might three weeks hence acknowledge to be completely wrong. As to the case of New Ross, he did not think that the noble Marquess had opened it sufficiently to induce him to trouble their Lordships with any remarks with respect to it. He was persuaded that the origin of all these things began with the *ex-officio* guardians, who were anxious to exclude, not only Roman Catholics, but all persons differing from them in political opinion. In New Ross there had been a direct exclusion of all the liberal party from the bench, save one. That such things had taken place was deeply to be regretted. There were faults on both sides; but practically speaking, the bill was working well, and he was sure their Lordships would hesitate before, by consenting to this motion, they added another to the many difficulties which the commissioners experienced in carrying the bill into effect. He would put it to their Lordships whether it was possible to consent to a motion of this kind upon such grounds as had been laid by the noble Marquess. There were many parts of the papers upon the table which he wished to explain, but considering the state of the House, and the period of the evening, he should refrain from doing so, and would confidently leave the fate of the motion in their Lordships' hands.

The Duke of *Wellington* said, when this bill was under discussion in their Lordships' House, it was obvious that the execution of its provisions would be a matter of considerable difficulty, and he which had taken place in the two Parliamentary boroughs of the county Tippe- amendments had not been introduced to localize as much as was possible the expenditure, and to throw it upon the proprietors for the support of the paupers on their estates and town lands, so as to give them an additional interest in the welfare of the people, and to induce them to take care of those unfortunate persons, not from motives of humanity alone, but also from motives of economy. It would have been impossible, considering the state of Ireland, to execute this measure, if strong powers had not been established in the Poor-law commissioners, and accordingly very strong powers indeed had been confided to them as to the election, the appointment, and the duties, of the guardians. The commissioners had the power to dismiss the guardians and appoint others in their place, as well as to do every other thing which it was necessary to do in order to enable them to carry the measure into effect as the law intended. In order that Parliament, and the public, and the Government, might know what was passing, the commissioners were required to keep a record of all their correspondence, and it was in the power of their Lordships, of the public, and of the proprietors of Ireland, to make complaints to the commissioners and to place on record all that passed, so as to enable that House or the Government to see whether further inquiry was necessary. That, however, had not been done. The intentions of Parliament had not been carried into effect. The grossest abuse had certainly taken place at some of the elections of guardians; but then the poor-law commissioners had not done their duty in bringing the circumstances connected with those elections under their cognizance, and properly recording them. In point of fact, therefore, their Lordships could not take cognizance of them. Besides, it was absolutely impossible, as stated by the noble Marquess (the Marquess of Normanby), to enter, at this late period of the Session, into such an inquiry, as the noble Marquess behind him demanded, with the hope of adopting any ulterior measures this Session, or indeed, without injuring the operation of the Poor law in Ireland. Their Lordships had not materials, as far as he could see, to be brought under their consideration, and could, therefore, come to no decision during the present Session. He recommfirmly believed, that the measure never would have passed that House if certain benefit of the recess in order to set the matter right, and to have the law properly administered throughout Ireland. With regard to the valuations that had taken place, there was no doubt that political considerations had been mixed up with them, because they went to establish a certain degree of political power. If the valuations were too low, however, the abuse of the law was as great as if it were too high. As far as the execution of the Poor-law was concerned, the higher the valuation the better; but that did not suit some parties. It was, of course, objected to, and then came disputes upon the subject. There was no way of deciding this question, except by strict inquiry on the part of the Poor-law commissioners, the result of which should be put upon record, and produced at any time, it might be considered advisable, in order to show what had passed. He hoped the noble Marquess would consent to withdraw his motion, in order that their Lordships might know next Session—should it be deemed necessary to revive this discussion—what the grounds were upon which they stood, whether an inquiry was necessary, and whether, upon inquiry, it should be advisable to amend the present law, or enact a new one.

The Earl of *Glengall* thought, that the noble Marquess had passed rather lightly over several of the charges which had been brought forward in support of this motion, and that one in particular which related to the South Dublin Union. It appeared, that in that union 314 houses had been valued at a certain rate by the valuators in which rate an alteration had been made for reasons best known to those who made it. The value of those 314 houses had been raised from various sums to 10*l.*, and as he understood in this manner. A gentleman named Seaton, who attended at the registry session for the Radical interest, was one of a party appointed by the Poor-law guardians to go round and inspect the valuation, and having represented that those houses had been valued too low, induced the Poor-law guardians to raise them to 10*l.*, for the purpose, evidently, of conferring upon them the Parliamentary franchise. In St. Catherine's parish, the value of twenty-seven houses was raised in the same way. He had also to complain of the valuation mended the noble Marquess not to press his motion at present. Let them have the rary, being two Poor-law unions, namely, Clonmel and Cashel. The reason of all this might, he thought, be traced to the returning officers, who were not men of sufficient respectability, and who were vested with too much power. He would suggest, that an alteration should be made in that part of the bill. He thought, that the most proper persons who could be elected returning officers were the high constables of the districts. They were gentlemen of the highest respectability; they were elected by the grand juries, and they were required to give security to the amount of 2,000*l.* or 3,000*l.* for the collection of the county cess. The bill allowed any individual to be a returning officer; and the consequence of which was, that generally speaking, they were persons who kept dram shops. If fair and proper elections of Poor-law guardians could be had (and there was no doubt they could, if the returning officers were respectable), then he thought, the whole operation of the law would go on well, and give satisfaction both to the people at large, and the gentry of the country.

Motion withdrawn.

HOUSE OF COMMONS,

Friday, July 3, 1840.

MINUTES.] Bills. Read a second time:—Canal Police; Episcopal Church (Scotland).—Read a third time:—Isle of Man; Entailed Estates (Scotland).

Petitions presented. By Mr. Goulburn, from the Dean and Chapter of Ely, to be exempted from the provisions of the Ecclesiastical Duties and Revenues Bill in the same way as Christchurch, Oxford.—By Sir T. Acland, from the Archdeacon and Clergy of Barnstaple, and Winchester, against the Bill.

SPANISH TARIFF.] Mr. *Wallace* wished to ask the right hon. Gentleman, the President of the Board of Trade, whether any account of the new Tariff which had been reported to have been issued by the Spanish Government, and which was said to be of a nature most injurious to our manufacturing interests, had reached the Government?

Mr. *Labouchere* said, there had been received at the Board of Trade, within the last very few days, a report from a commission that had been appointed by the Spanish Government for investigating the character of the existing tariff, but from its having been so recently received, he was unable to give the full particulars of it to the House. It was true, that if the recommendation of that commission were carried into effect, it would be most hostile to our commerce; but it had not yet been adopted, and he hoped the Spanish Government would not proceed to act on it. If, however, they did so, it would then be for her Majesty's Government to consider what steps should be taken on the subject.

Subject dropped.

ECCLESIASTICAL DUTIES AND REVENUES.] House in Committee on the Ecclesiastical Duties and Revenues Bill.

On Clause 7,

Lord J. Russell moved to add the word "Ely," so as to include that amongst the cathedrals of which two canonries were to be suppressed.

Mr. *Goulburn* objected to the amendment. He could perceive no great difference between the circumstances of Christ Church and those of the cathedral of Ely, and he, therefore, thought, that, as the noble Lord proposed by the bill to give eight prebendal stalls to Christ Church, he had a right to claim that the same number should be given to Ely. If this bill passed it would deprive the canons of Ely of the means they now had for instructing youth, because they would be unable to absent themselves for a sufficient length of time to attend to their duties in the University. The question might naturally be asked, what was the connection between the University of Cambridge and the cathedral of Ely? His answer was, that that connexion was very close, and had existed very long—a bishop of Ely having founded two of the colleges, Jesus and Peters, and made them partakers to a large extent in his patronage by conferring prebends on the masters of the university, over which he presided. From the earliest times there had been only three deans of Ely, who were not masters in the University of Cambridge. The cathedral of Ely had rendered great assistance to the university by providing in this way for professors, and therefore he must entreat the noble Lord to take the case of this cathedral into his consideration, and to place it on the same footing as Christ Church. There was one other point to which he must advert, and that was the inadequate emoluments of the Norrisian professor of divinity. Now, this was a most important affair, because the certificate of the party holding it was necessary before any one could enter into holy orders. The gentleman who held this office was bound to give fifty lectures on the important subject of divinity gratis every year, and what did the Committee think was the salary attached to the situation? Why, it was only 94*l.* 10*s.*, and, consequently, if it were separated from the cathedral it would be absurd to suppose that any gentleman who possessed either the talents or acquirements essential to the proper discharge of the duties could be got to undertake them. He next came to the regius professor of Hebrew. A stipend of 40*l.* a year was assigned to him by Henry 8th, but as this amount was subject to certain deductions, the salary, in fact, was only 38*l.* 10*s.* It was time that Parliament voted an additional 100*l.* a year; but was this, he asked, sufficient remuneration for a distinguished scholar in a language which, though generally so uninviting, was most important, to constitute the character of a good divine? The Greek professor was on the same footing as the professor of Hebrew, but he thought he had stated enough to show that the claims of Ely were quite as strong as those of Christ Church.

Lord *John Russell* said: I certainly never heard of this proposition until the former requisition of the University of Cambridge had been complied with. We have consented that two of the canonries of Ely shall be allowed to hold professorships, and I can only say, that it is somewhat unreasonable that the first consequence of our acquiescence should be a further demand. The case of Christ Church was peculiar, and it had been shown that it had been endowed for a particular purpose, and had a right to be placed on the same footing as Trinity College, Cambridge, as both were founded for the benefit of learning. This is the reason why we have given eight prebends to Christ Church. There is no analogy, therefore, between Christ Church and Ely; but still we propose to give to Ely six prebends, two canonries, and four professorships. Seeing the considerable endowments which the University of Cambridge possesses, we think them amply sufficient for the objects of that university; but if any thing could be done to benefit the university I should be glad to consider the matter with a view to that end. However, my impression at present is, that the right hon. Gentleman is pushing his demands too far.

Sir *R. Inglis* thought, that, on public principles, his right hon. Friend had a right to make the demand which he had advanced. The point to be considered was, not whether, because a small concession had been made, further demands were not to be pressed, but it was in reality whether his right hon. Friend had not established a case to justify that which he now claimed. He could only say that his right hon. Friend should have his support.

Viscount *Dungannon* contended, that a strong case for the cathedral of Ely had been made out; and, for his own part, he could not see how these funds could be better applied than in advancing the cause of learning.

The Committee divided on the question that "Ely" be inserted. Ayes 30; Noes 18—Majority 12.

List of the Ayes.

Barnard, E. G.
Bewes, T.
Bowes, J.
Briscoe, J. I.
Brotherton, J.
Busfeild, W.
Clay, W.
Cowper, hon. W. F.
Ellis, W.
Finch, F.
Gordon, R.
Hawkins, J. H.
Hector, C. J.
Kemble, H.
Lambton, H.
Lister, E. C.
Mildmay, P. St. John
Morpeth, Viscount
Parker, J.
Rundle, J.
Russell, Lord J.
Stanley, hon. W. O.
Stansfield, W. R.
Stewart, J.
Stuart, W. V.
Talbot, C. R. M.
Verney, Sir H.
Vigors, N. A.
Williams, W. A.
Wyse, T.

TELLERS.

Stanley, hon. E. J.
Dalmeny, Lord

List of the Noes.

Acland, T. D.
Canning, rt. hn. Sir S.
Compton, H. C.
Estcourt, T.
Gladstone, W. E.
Goulburn, rt. hon. H.
Inglis, Sir R. H.
Jackson, Sergeant
Knatchbull, rt. hon. Sir E.
Liddell, hon. H. T.
Lincoln, Earl of
Mackenzie, T.
Monypenny, T. G.
Pemberton, T.
Pusey, P.
Shaw, rt. hon. F.
Sugden, rt. hon. Sir E.
Wynn, rt. hon. C. W.

TELLERS.

Dungannon, Viscount
Vernon, G. H.

On the clause being again put,

Mr. *Williams Wynn* expressed a wish that additional services should be performed in the several cathedrals of the kingdom. Nothing would grieve him more than to behold those magnificent edifices erected by the piety of our forefathers, desecrated from the high and holy purposes to which they were originally dedicated, and converted into mere places of exhibition of sculpture and works of art. On the other hand, he had no desire to see those noble buildings crowded with curtained and carpetted pews. Still he would suggest that they might be rendered conducive in the highest degree to the purposes of moral and religious instruction among the people. Why should there not be additional services performed, for instance, in Westminster Abbey? Why should not the practice that prevailed almost throughout the continent be adopted here, and a moveable and moveable seats be placed in the aisles of the cathedrals where prayers could be read and sermons preached, as well as in the choir? His belief was, that if there were three services in Westminster Abbey on the Sunday, two in the morning and one in the evening, they would be most fully attended. Of course for this additional service some increase of endowment should be reserved. It was impossible to expect the clergy would perform such additional duties, without some additional compensation. He wished to press this upon the attention of the noble Lord.

Sir *R. Inglis* hoped the observations of his right hon. Friend would meet with the noble Lord's attention. To those who were of opinion that an increased Church accommodation was required, the suggestion of his right hon. Friend would appear to be one very obvious, and a very just mode of affording that increase. It was well known that in former times prayers were said and sermons preached in the aisles of the cathedrals. He, however, differed from his right hon. Friend in one particular. There might be moveable pews in the cathedrals in the north of France, but he could speak from his own knowledge, that in the south of France the pews in the cathedrals were as fixed and immoveable as they were in England.

Mr. *Briscoe* was not aware how far her Majesty's Government possessed the means of carrying into effect the suggestion offered by the right hon. Gentleman; but he felt very strongly that Westminster Abbey might be most usefully and beneficially applied to affording religious instruction to the people. At present free access to the Abbey was not afforded to the public; many persons were constantly refused admittance during the hours of divine service.

Sir *Edward Knatchbull* expressed the great satisfaction he felt on hearing the observations made by his right hon. Friend. It was essentially necessary, not only that the services should be repeated in the cathedrals, but that there should be double services in all the parishes of the kingdom where the population exceeded a certain amount. When the Pluralities Bill went up from this House last Session, it contained a clause to that effect; but in the House of Lords the clause was altered, and made the double service depend upon the will of the bishop of the diocese. Whether that power had been satisfactorily exercised by the bishops he knew not, but he thought it was important to urge the necessity of double service being performed in all populous parishes.

Lord *John Russell* agreed in very many of the observations made by the right hon. Gentleman, the Member for Montgomeryshire; but when the right hon. Gentleman proposed that he should make some provision in this bill for the purposes the right hon. Gentleman had suggested, certainly a doubt occurred to him whether he could state any thing to the House that would be satisfactory, or whether he could enter into any engagement upon the subject. It appeared to him to be a matter more dependent upon the ecclesiastical authorities—the dean and chapter in the first instance, and the bishop of the diocese in the second—than upon any provision that could be made by Parliament for the purpose. His own belief was, that were divine service to be performed in the aisles, and especially were sermons to be from time to time preached with power and eloquence to the people there, it might be the means of doing very great good. That was his opinion; but he could only state it as his opinion. There might be objections made to the proposal. He was not aware himself of any; still he certainly felt that he was not in a situation to give any thing like a pledge upon the subject.

Mr. *Williams Wynn* said, that at the time he had the honour of serving as one of the Members of the first Ecclesiastical Commission, he, at a meeting of the commissioners, threw out the same suggestion, and it appeared to him to have been received with approbation; but it had not since been acted upon. He was aware that it must be a subject of arrangement, and the question to be considered was, whether a certain sum might not be specifically set apart for that duty. The necessity of providing good preachers, having the requisite qualities of eloquence and a full and impressive delivery, must of course be felt. He was perfectly certain—if he might speak of such an inducement when there were far higher ones—that these magnificent buildings would attract the best and ablest preachers, as well as the largest and most respectable congregations.

Clause agreed to.

On Clause 11,

The Earl of *Lincoln*, in the absence of his hon. colleague, Colonel Rolleston, moved "That, in the collegiate church of Southwell, the canonries, as vacancies occur, except the canonry held by the Archdeacon of Nottingham, shall be suppressed, until only four remain, and that such canons shall be Residentiaries." Almost all the collegiate churches had been converted into cathedrals; Southwell was one of the few collegiate churches that remained, but he could not see why all the canonries should be entirely suppressed.

Lord *John Russell* was about to propose an amendment, directly opposite to that of the noble Lord, since he did not think it necessary with respect to Southwell to keep up any establishment. Its position was altogether anomalous, having no other duties annexed than the duty of the parish of Southwell, and what he would propose was, to suppress the single canonry, which by the bill as it stood was intended to be left, and annexing the living of Southwell to the archdeaconry of Nottingham, to leave it in the same situation as any other single benefice.

Mr. *Vernon Harcourt* felt great reluctance in differing from his noble Friend; looking at the sustainment of the beautiful building of the church of Southwell, but referring to the principle of the bill which he had supported, he felt bound to vote for the bill as it stood. The rule acted upon by the Archbishop of York, whilst the county of Nottingham was under his jurisdiction, was, to annex these canonries to the livings of meritorious clergymen. Yet Southwell, however respectable it might be, did not occupy the same situation as cathedrals, and there was nothing in the service which might not be performed by a single clergyman, as in any other beautiful church, and he must oppose the amendment of his noble Friend.

Sir *E. Sugden* also felt obliged to oppose the amendment of his noble Friend.

Sir *R. H. Inglis* would have felt more pleasure in voting for the motion of his noble Friend, if he had gone the full length of proposing that the whole of the establishment should be left as it was. Holding, as he did, that it was the duty of the State to provide for the Church, he held that this ought to be done without depriving any portion of the Church of the funds originally intended, and by the law applied to other purposes. Looking at the way in which the Church was interwoven with the State, he thought that they would injure the hold of the Church upon the people, if they did anything to prevent persons of all classes of the community from entering into its ministration. It was most desirable that they should keep in the Church persons from every class, the highest as well as the lowest, by giving to them that distinction and those emoluments, which the piety of our ancestors had afforded for that purpose. And if his principle were correct, it applied as well to the case of Southwell as to any other.

Mr. *Vernon* believed that the hon. Baronet's observations did not apply to Southwell, for if it were desirable to keep prizes for a lottery in the church, this could not be the case with the 16*l.* prizes of Southwell, where if a man put in and gained the prize he gained a loss.

Mr. *Goulburn* did not see why the church of Southwell should be deprived of the benefit of the one canon which the commissioners in their last report had recommended.

The Committee divided on the original motion—Ayes 54; Noes 14—Majority, 40.

List of the Ayes.

Baring, rt. hn. F. T.
Blake, W. J.
Bowes, J.
Briscoe, J. I.
Brotherton, J.
Busfield, W.
Childers, J. W.
Dalmeny, Lord.
Evans, W.
Ferguson, Sir R. A.
Fort, J.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hn. Sir G.
Harcourt, G. G.
Harland, W. C.
Hawkins, J. H.
Hector, C. J.
Henniker, Lord
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
James, W.
Kemble, H.
Lambton, H.
Lemon, Sir C.
Lushington, rt. hn. S.

Marshall, W.
Mildmay, P. St. J.
Morpeth, Viscount
Muntz, G. F.
Nicholl, J.
Rice, E. R.
Russell, Lord J.
Russell, Lord C.
Seale, Sir J. H.
Sheil, rt. hn. R. L.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stewart, J.
Stuart, W. V.
Tancred, H. W.
Teignmouth, Lord.
Tollemach, F. J.
Turner, E.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
White, A.
Williams, W. A.
Wilshere, W.
Wynn, rt. hon. C. W.
Wyse, T.

TELLERS.
Clay, W.
Gordon, R.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Bell, M.
Clerk, Sir G.
Compton, H. C.
Estcourt, T.
Inglis, Sir R. H.
Knatchbull, right hon. Sir E.
Law hon. C. E.
Liddell, hon. H. T.
Monypenny, T. G.
Polhill, F.
Pusey, P.
Sibthorp, Colonel

TELLERS.
Gladstone, W.
Lincoln, Earl of

Clause agreed to.

On Clause 13,

Mr. *Acland* said, that many of the ecclesiastical officers would have their efficiency impaired by the great reductions in their stipends effected by this clause. His (Mr. Acland's) object would be to preserve on the old foundations certain offices in cathedrals which at present exist, with a view to append them as dignities to the rural deans, and for that purpose he should move the omission from the clause of the words "nor to any prebend, dignity, or officer, not residentiary in any cathedral church in England or Wales."

Lord *J. Russell* said, the proposal of the hon. Member opposite (Mr. Acland) was inconsistent with the general scope of the bill. Its object was, that the officers of cathedrals should have certain functions and duties to perform, and that was incompatible with the present proposition. He must therefore oppose the amendment.

Mr. *Gladstone* regretted the proposal of his hon. Friend had not a more favourable reception from the noble Lord, inasmuch as by the retention of the offices proposed, economical means would be afforded of rewarding with dignities meritorious clergymen.

Dr. *Lushington* said, the stipends of the majority of the officers mentioned were so small, that they would not be any reward to those preferred to them. On the grounds that the offices were originally founded on the basis of actual residence, he should feel it his duty to oppose the amendment.

Mr. *Estcourt* said, that as it seemed to him these offices might be given as dignities to the rural deans, who would be brought in constant communication with the diocesan, essentially useful offices would be created.

Sir *R. H. Inglis* objected to making all the officers of the Church purely stipendiary. Many of these establishments were originally created without any fixed emoluments to the officers, but with merely a common fund from which they were to be provided with daily sustentation. He was strongly opposed to depriving the Church of those offices which were regarded as sources of dignity, and as inducements to the young and enterprising to enter its service; and if, therefore, the House should take away all those estates from which those officers derived their emoluments, they should, at least, leave it those honorary distinctions. If the amendment should not be adopted, he would propose that words to this effect should be introduced into the clause:—"That no appointment shall be made which may confer any title to any estate or emoluments, but that such appointment may be made, provided it does not confer any such title." If they deprive the Church of this internal support, they ought to leave it what on former occasions had been described as objects of such just and legitimate interests to its different members.

The Committee divided on the original question—Ayes 86; Noes 16: Majority 70.

List of the AYES.

Adam, Admiral
Arcbbold, R.
Baring, rt. hon. F. T.
Blake, W. J.
Bowes, J.
Briscoe, J. I.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Burroughes, H. N.
Busfield, W.
Cavendish, hon. G. H.
Chichester, J. P. B.
Clay, W.
Clerk, Sir G.
Dashwood, G. H.
D'Eyncourt, rt. hn. C. T.
Elliot, hon. J. E.
Erle, W.
Euston, Earl of
Evans, W.
Finch, F.
Gordon, R.
Gore, O. W.
Graham, rt. hon. Sir J.
Greene, T.
Grey, rt. hn. Sir G.
Harland, W. C.
Hawkins, J. H.
Hector, C. J.
Henniker, Lord
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.

Horsman, E.
Hurt, F.
James, W.
Jervis, J.
Knight, H. G.
Lambton, H.
Lemon, Sir C.
Liddell, hon. H. T.
Lushington, C.
Lushington, rt.hon. S.
Macaulay, rt. hn.T.B.
Marshall, W.
Maule, hon. F.
Mildmay, P. St. J.
Morris, D.
Morrison, J.
Muntz, G. F.
O'Brien, C.
Owen, Sir J.
Palmerston, Viscount
Parker, R. T.
Peel, rt. hn. Sir R.
Philips, M.
Philips, G. R.
Pigot, D. R.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hon.A.
Salwey, Colonel
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Smith, J. A.
Smith, R.
Stuart, W. V.
Style, Sir C.
Teignmouth, Lord
Troubridge, Sir E. T.
Verney, Sir H.
Vernon, G. H.
Vigors, N. A.
White, A.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, Sir T. E.
Wood, G. W.
Wyse, T.

TELLERS.

Parker, J.
Tuffnell, H.

List of the NOES.

Bell, M.
Christopher, R. A.
Compton, H. C.
Craig, W. G.
Dungannon, Viscount
East, J. B.
Estcourt, T.
Gladstone, W. E.
Inglis, Sir R. H.
Lincoln, Earl of
Mackenzie, T.
Monypenny, T. G.
Patten, J. W.
Pusey, P.
Shirley, E. J.
Vere, Sir C. B.

TELLERS.

Acland, T. D.
Acland, Sir T. D.

On the clause being again put,

Sir *R. H. Inglis* stating, that the proposition which he was about to make, was not intended to disturb the decision to which the Committee had just come, and which would not deprive the general fund of a single shilling, but would preserve the institutions themselves; since, by the previous decision of the Committee, the House had declared that the Church should not have the establishment with money, let them have the establishment without it. He moved, that with respect to the offices comprised in the amendment of his hon. Friend, no future appointment should be made which should confer a title to any estate or emolument, but that such appointments might still be made without conferring any such title.

Amendment negatived.

Clause to stand part of the bill.

On Clause 15,

Sir *R. H. Inglis* remarked, that this was the clause by which the deanery of Exeter was to be vested in the Crown. Now, he thought, that this was not a measure which ought to be passed through the House without any discussion. The right to the deanery of Exeter had been litigated down to the present time, and it had at last been ruled by the unanimous decision of the Court of Queen's Bench, that the appointment was vested in the Cathedral church of Exeter.

Lord *J. Russell* said, that the proposal to vest the appointment in the Crown, was made by the church commissioners long before the decision pronounced in the Court of Queen's Bench. The Crown had given up by this bill patronage to the extent of 50,000*l.* a year, and he thought, that the Crown was certainly entitled to the patronage of the deaneries.

The Clause agreed to.

On Clause 18,

Sir *R. Inglis* said, the object of the clause was to prevent any person receiving the appointment of canon until he had been six years in priest's orders, and he proposed to introduce an amendment to the effect of excepting in the case of canonries annexed to any professorship or headship, or other office, not being an archdeaconry.

Lord *J. Russell* suggested, that this point might be left for discussion in the other House. The clause had been recommended by the Ecclesiastical Commissioners.

Sir *R. Peel* was disposed to support the general recommendations of the commissioners. At the same time, if there were any matters of detail which were not supported by sound arguments, he thought it not at all improper to disagree with these recommendations. He hoped the Bishops and officers of the Church would make personal merit and qualification the chief grounds upon which to appoint individuals to ecclesiastical duties. He believed the Church of England would owe more security to that principle of selection than to any other measure that could be adopted. He thought the House should not deal with more subordinate points, which could afford no additional security to the Church, but which, on the contrary, would actually diminish it. The restriction would have the effect of excluding many distinguished men; Dr. Pusey, for instance, would be excluded by it.

Dr. *Lushington* said, the object of this clause was to secure the appointment of men of experience, and not of men of brilliant talents merely. It would induce men to take orders at an early period of life.

Clause as amended agreed to.

On Clause 21, concerning the average income of deans and chapters,

Mr. *Goulburn* objected to the latter part of the clause, which had not been recommended by the commissioners. He could not approve of fixing a money payment to be made to the canons and other dignitaries of the Church. He wished to see them allowed to retain the management of their property. He objected, also, to equalizing the incomes of the canons, and fixing them at so low a sum as 1,000*l.* He should move to omit all the words after 3,000*l.*

Lord *J. Russell* said, that at present the incomes of the canons were very unequal, some of them extremely small, and others exorbitant, varying from under 200*l.* to more than 3,000*l.* He thought it would be a far more fair and satisfactory arrangement to bring them nearer to equality, and could not view 1,000*l.* as by any means an inadequate sum. The general working of the bill would be such that they would receive a great deal more; a canon of Durham would have 2,000*l.* Of all the professions in the country, he should say, that the Church was that in which the largest rewards were to be obtained.

Mr. *Goulburn* observed, that the clergy were 15,000 in number, and that his proposition went only the length of giving 2,000*l.* a-year to nine below the rank of Bishop.

Sir *H. Verney* said, that on his side of the House they were for giving adequate remuneration to the more meritorious portion of the clergy.

Sir *R. H. Inglis* wished to remind the Committee, that they were not dealing with the public revenue, but with the estates of individuals.

Mr. *Goulburn* said, that the general feeling of the clergy, as set forth in the petitions which they presented to the House, was decidedly in favour of the principle upon which his amendment was founded.

The Committee divided on the original question:—Ayes 53; Noes 25: Majority 28.

List of the AYES.

Adam, Admiral
Baring, rt. hon. F. T.
Bowes, J.
Brotherton, J.
Clay, W.
D'Eyncourt, rt. hon. C. T.
Douglas, Sir C. E.
Elliot, hon. J. E.
Euston, Earl of
Finch, F.
Gordon, R.
Grey, rt. hon. Sir G.
Harland, W. C.
Heathcote, Gilb. J.
Heneage, E.
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, hn. E. G. G.
Jervis, J.
Knight, H. G.
Lambton, H.
Lushington, rt. hon. S.
Maule, hon. Fox
Morpeth, Viscount
Morris, D.
Patten, J. W.
Pemberton, T.
Philips, G. R.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Salwey, Colonel
Slaney, R. A.
Smith, R. V.
Stanley, hon. E. J.
Steuart, R.
Stuart, Lord J.
Strickland, Sir G.
Thornely, T.
Verney, Sir H.
Vigors, N. A.
Vivian, J. H.
White, A.
Williams, W.
Williams, W. A.
Winnington, Sir T. E.
Wood, B.
Worsley, Lord

TELLERS.

Tufnell, H.
Parker, J.

List of the NOES.

Acland, T. D.
Bell, M.
Bruges, W. H. L.
Burroughes, H. N.
Christopher, R. A.
Compton, H. C.
Darby, G.
Dungannon, Viscount
East, J. B.
Estcourt, T.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Hodgson, R.
Holmes, W.
Hughes, W. B.
Inglis, Sir R. H.
Liddell, hon. H. T.
Nicholl, J.
Parker, R T.
Pusey, P.
Rushbrooke, Colonel
Shirley, E. J.
Sibthorp, Colonel
Teignmouth, Lord

TELLERS.

Clerk, Sir G.
Gladstone, W. E.

House resumed, Committee to sit again.

TRAFALGAR SQUARE.] Mr. G. Knight moved, that a Select Committee be appointed to inquire into the plan sanctioned by the Commissioners of Woods and Forests for laying out the vacant space in front of the National Gallery.

The *Chancellor of the Exchequer* did not so much object to the appointment of a Committee, but he could never be a party to advising the Crown to break a pledge given to the subscribers to the Nelson monument; and he must say, that with reference to that part of the alterations in front of the National Gallery, it was too late to prevent it.

Sir *J. Graham* observed, that the matter was of some interest, not merely as regarded the Nelson monument, but National Gallery also, which building remained an eternal monument of the taste of the House of Commons.

Motion agreed to.

HOUSE OF LORDS,

Monday, July 6, 1840.

Minutes.] Bills. Read a first time:—Weaver Churches.—Read a third time:—Admiralty Courts (Judges' Salary) Bill.

Petitions presented. By the Earl of Haddington, from the United Parishes of a District in Haddingtonshire, in favour of the Church of Scotland Benefices Bill.

Damage of Settled Estates.] On the motion of the Duke of *Richmond*, the House went into Committee on the Settled Estates Drainage Bill.

The Marquess of *Salisbury* suggested that it would be advisable to refer it to a Select Committee.

The Earl of *Wicklow* expressed a hope that the machinery of the bill would be simplified. That machinery was at present extremely complicated; and the expense that must be incurred under its provisions, was so great, that he feared the measure would not be attended with any beneficial effect.

The Duke of *Richmond* said, the measure was calculated to bring into cultivation large tracts of land, which, while undrained, were useless. Still, he should have no objection to refer it to a Select Committee.

Bill referred to a Select Committee.

Chimney Sweepers—Climbing Boys.] The Marquess of *Normanby* rose to move the second reading of the Chimney Sweepers Bill, which came before their Lordships very powerfully supported. It was not a favourite measure merely with some one particular class, but the general feeling of the mass of the people was in favour of the measure. So strong was the feeling, that he was convinced, if their Lordships passed this bill, they would give more public satisfaction than by almost any other measure. The last bill that passed on this subject was nearly inoperative, in consequence of the ease with which it was evaded. In favour of this bill all parties were united; and its provisions were calculated to meet the objections urged against former propositions. Every one of the insurance companies was in favour of this bill; and amongst them, the Hand-in-Hand office subscribed 100*l.* towards carrying the object of the bill into effect. From all parts of the country petitions were poured in in favour of the measure; and, certainly, it was no small recommendation that it had passed the other House of Parliament without a dissentient voice. To prove the sufferings that climbing boys were compelled to endure, the noble Marquess read extracts from evidence given before a committee of the House of Commons, appointed to inquire into this subject; and called their Lordships particular attention to the sentiments delivered by Lord Meadowbank, on a trial which recently took place in Edinburgh, when that learned personage denounced the practice of employing climbing boys as disgraceful to the country, and revolting to humanity, and emphatically called upon all who heard him to join in their efforts to put down such an atrocious system. He sincerely hoped, that their Lordships would not refuse their sanction to a measure in favour of which so general, he might say, so universal a feeling, prevailed. One of the chief provisions of the bill prohibited the employment of any person under the age of twenty-one years in the climbing of chimneys. To this it was observed, that persons of such an age could not enter chimneys unless they were peculiarly constructed. The answer, however, to that, was, and it was the answer of experienced persons, that there were very few chimneys into which it would not be possible for individuals of small dimensions, though of mature age, to enter; and when the chimney did not admit of that, recourse must be had to the machine. His noble Friend opposite (the Earl of Haddington) had, on a former evening, presented a petition from certain master chimneysweepers, praying to be heard by counsel against the bill. Now, if the prayer were acceded to, they would be required to hear counsel on the other side, and there would be no chance of carrying the bill. He, therefore, must object to such a course.

The Earl of *Haddington* was not an advocate for the employment of boys in this species of vocation. He admitted all the evils that grew out of, and were connected with it; and he wished as sincerely and as warmly as his noble Friend opposite to put an end to the system, if, at the same time, he were well assured that security would accompany the abolition of the practice. In his opinion, their

Lordships should inquire, before they proceeded further with this bill, whether they might depend under the new system upon the same degree of security which they enjoyed under the old. The petition he had presented from the master chimney-sweepers of London and Westminster against this bill, affirmed that there were very many chimnies that could not possibly be swept by machinery, and they prayed that this matter might be inquired into. He believed the master chimney-sweepers were mistaken; but still it behoved their Lordships to inquire before they proceeded further. His noble Friend opposite said, that, if inquiry were allowed, the measure would probably be lost for this session. That would lead to great inconvenience, but the inconvenience would be still greater if they were to endanger the security of property, merely in order to pass the bill during the present session. Although, he apprehended that the bill must now be read a second time, he should propose that after the second reading it should be referred to a select committee.

The Bishop of *Exeter* must tender to the noble Marquess his most humble and hearty thanks for having stated, so ably the evils which attended the present system, and the necessity of putting an end to it. It seemed that there was not much difference of opinion, if any, on the subject of this bill, and he thought, therefore, that if a committee were agreed to, it need not take up much time in inquiry. He presumed that their Lordships would go into committee with their minds made up upon the misery engendered by the present system and the wickedness which it occasioned, which was greater than the amount of the misery. If these two points were taken to be admitted, the questions into which a committee of their Lordships would inquire would resolve themselves into this—whether the system of sweeping by machinery might be adopted with safety to life and property? He wished, however, that the committee would direct its attention to one point, which was of importance. In those flues which could not be swept by machinery, he apprehended it would be found that there was the greatest difficulty and danger when boys were employed. Now, he trusted that their Lordships would think that children should not be permitted to sweep those flues, unless it could be plainly shown that they might be easily and safely swept by boys.

Earl *De Grey* wished to state in a few words to their Lordships the reasons which induced him to oppose any inquiry. All the insurance-offices in London but one would not have adopted machinery, unless it had been satisfactorily proved that machinery could safely be applied? He had had a good deal of experience in the alteration of old, and the erection of new chimnies, and he was sure that there were not any chimnies which might not be so altered as to admit of being swept by machinery. He thought there was no necessity for further inquiry, and he gave his cordial and hearty support to the bill before the House.

Lord *Segrave* observed, that in many old houses it would be almost impossible to alter chimnies in such a manner as to render it practicable to dispense with the assistance of boys, and if this bill passed into a law, property in the country would be placed in a state of great danger.

The Bishop of *London* confessed that he would rather place old houses in jeopardy than the life of a fellow-creature. His reason for opposing a select committee was, that the misery and wickedness occasioned by the present system having been admitted, unless it could be proved that it would be impossible to make such alteration in chimnies that they could be swept by machinery, their Lordships would not be justified in prolonging a system which had already destroyed much human life, and so long as it continued would probably be the means of destroying much more.

The Earl of *Wicklow* believed that if this bill passed it would endanger a vast number of edifices in this country. He knew very well that those who lived in cities and towns where chimnies were built in the modern style would be secure under the operation of this bill, but the feeling in the country among the possessors of old habitations was decidedly against it. He was quite at a loss to know on what grounds an inquiry could be resisted. Not only had their Lordships no information at present, but when a similar bill came up from the other House six years ago a committee of inquiry was appointed, and the result of the inquiry was the conviction of the committee that the bill could not then pass. With regard to the severity and hardship with which these poor children were treated, that surely might be made the subject of regulation.

The Duke of *Beaufort* felt the difficulty of taking a course which was apparently opposed to the dictates of humanity, but at the same time he could not but think that if this bill were now to pass into a law, it would be very injurious to property in the country. He held in his hand a petition signed by 3,000 inhabitants of Bristol, against the bill, and under these circumstances he should support the proposition of the noble Earl for a reference to a select committee.

The Duke of *Sutherland* said, that having several petitions to present on the subject, and as it was one on which he entertained a strong feeling, he would take the liberty of stating in a very few words the reasons why he thought this bill ought to pass, and why there was no necessity for a reference to a committee. He had the honour of being chairman of the select committee to which was referred the bill to which the noble Earl had adverted, and having heard all the evidence and the strongest arguments which the master chimney-sweepers could employ, they were so satisfied on the subject, that the only reason why the committee wished some delay should take place before legislation was, that public attention might be called to the subject. Having heard that many houses, of which he was the owner, could not be swept by machinery, he had had them all altered, and without much difficulty, so as to admit the machinery. The present was a horrible practice, and ought not to be tolerated in a Christian community.

The Marquess of *Londonderry* was of opinion, that if their Lordships altered this bill so as to exempt these climbing boys from work, they must bring in another bill to arrest the employment of children in all the other public works of the country. The measure was of great importance, and ought not to be adopted without inquiry.

The Duke of *Richmond* rose for the purpose of making a suggestion that, instead of reading this bill a second time, it should be sent back to the committee appointed under the standing orders, and that that committee report on it.

Bill read a second time.

The Earl of *Haddington* moved that it be referred to a select committee.

The Marquess of *Normanby* was unwilling to oppose this motion, but the inquiry which their Lordships had formerly instituted into this subject had been so searching and so general, that he thought further inquiry unnecessary.

Their Lordships divided: Contents 91; Not-contents 77; Majority 14.

Select committee nominated.

MUNICIPAL CORPORATIONS (IRELAND).] The Municipal Corporations (Ireland) Bill was recommitted.

On the proposition that schedule A be agreed to,

Lord *Wynford* rose to move as an amendment that Dublin be struck out of schedule A, with the view of excepting that city altogether from the operation of the bill. If this schedule passed in its present state, that for which certain persons were so clamorous, viz., equal justice to Ireland, would not be done. Their Lordships, in passing the English Corporation Bill, had thought fit to exclude the city of London; and, upon the same principle, he would now call upon them to exclude Dublin from the operation of this bill. It was the opinion of many persons of authority that the corporation of Dublin ought to be left as it was; and the present hon. and learned Member for Dublin, when some years ago he was examined before a Committee of the other House, gave it as his opinion that no change was required. The corporation of Dublin was essentially different from other corporations with which this bill proposed to deal. Funds to a very large amount had passed from one generation of freemen to another for specific persons; that property was the private property of the corporation, and had been handed down to the present freemen by their predecessors for Protestant purposes, and for Protestant purposes only, and the parties by whom this property was left would rather have allowed it to go into the hands of any party than of that into whose hands it would probably fall by this bill. If the corporation of Dublin were not excluded, the bill would tend to shake the foundation of all property. He had presented to their Lordships a petition signed by no less than 7,000 persons, strongly protesting against the principle of this bill, as it affected Dublin. No charge of mismanagement could be brought against the corporation of Dublin. In one case, in which a large defalcation of the funds was charged against the corporation, the House of Lords, in opposition to the highest legal authority in Ireland, had, upon appeal, decided against them, and had pronounced that the funds in question were trust, and not private funds; and what was the consequence? The money, to the last farthing, was paid back. No charge had been made out against the corporation of improper conduct. Then, on what ground did the bill propose to deprive the freemen of Dublin of the rights they now enjoy? It was objected against this corporation that it was exclusive in its character. His answer was, that those corporations had been originally established for the purpose of giving support to the Protestant minority, who were in favour of the English connection, as against the Catholic majority, who were opposed to that connection, and who were anxious to do all they could to destroy it. It was known to their Lordships, that that majority was still anxious for Catholic ascendancy in Ireland; and their Lordships were aware also that the Roman Catholic priests of Ireland had been charged with the most scandalous conduct in their endeavours to influence elections in that country. There was now nothing like a fair and free election in Ireland; he alluded more especially to the elections for guardians under the Poor-law Act. It had been shown that in several instances the Roman Catholic priests had denounced from the altar those persons who wished to vote in favour of Protestant Gentlemen as Poor-law guardians—an office in no way connected with politics or religion, but altogether one of charity. The corporation of Dublin must be exclusively Protestant or exclusively Roman Catholic, and he was persuaded that it would become the latter in a very few years if this bill passed. The connection between the two countries could only be preserved by maintaining these corporations exclusively Protestant. Deprive those institutions, by this bill, of the advantages of Protestant ascendancy, and in a few years, the connection between Ireland and England would cease. They had tried the experiment in one town in Ireland (Tuam), and the effect had been that the corporation had become Roman Catholic. It showed them how a Catholic corporation would deal with the property that came into their hands. The present corporation of Tuam had diverted the funds of that corporation from Protestant to Roman Catholic purposes. It had let property of the value of 400*l.* a year to the Catholic archbishop, for an object exclusively Catholic, for 250*l.* a year. If the bill were suffered to pass without thus amending the clause, the effect, he was convinced, would be, that the corporation of Dublin, becoming, as it necessarily must become, a political body, with a strong desire to acquire power for that class of religious professors of which it would principally consist, would be enabled, by calling together delegates, to discuss and decide upon questions of great pith and moment of a legislative character, and assume the character of a separate legislature and a political convention. He would implore their Lordships to pay that attention to the subject which it demanded. It was a question whether they would establish and organize a powerful corporation, which must be principally composed of Catholics, in the capital of Ireland, which, by being so constituted, would be enabled, not only to call meetings on every public occasion, but also to carry whatever resolutions it pleased, whether in opposition to the Government, or in its support. Finally, they ought to reflect that by establishing a body so powerful in that country as that of the corporation of Dublin must be, there could be but little doubt that the designs of those disaffected to British connection would be promoted, and the political union of the two countries endangered. He should, therefore, move that the words "the corporation of Dublin be omitted from the schedule."

The Marquess of *Normanby:* This was the first time it had been proposed to omit Dublin from the operation of Corporation Reform. The noble and learned Lord had made a novel proposition, but had brought forward no new matter in support of it; for his speech was only a repetition of what they had so lately heard stated with so much ability at the bar of the House. One novelty, however, the noble and learned Lord had introduced. He had found out that this introduction of Dublin into the bill must be displeasing to Mr. O'Connell: and he (Lord Normanby) had never heard that Mr. O'Connell had moved the omission of Dublin from the schedule of this bill. The opinion of Mr. O'Connell, to which the noble and learned Lord alluded, had been delivered six years ago, and it was not unlikely that he had then anticipated that a reform of the corporation of

Dublin would have preceded that of the other corporations of Ireland. The noble and learned Lord said, that justice would not be done to Ireland unless Dublin, like London, had a separate bill for itself; but London had already had a reform more like what this corporation reform would make Dublin, than Dublin was at present. In the speech which had recently been delivered at the bar of the House, it was said that all the witnesses examined before the corporation commissioners were notorious partisans, and that many of them were without character. But the majority of these witnesses were actually the officers of the corporations. Such a charge of falsification of evidence was therefore perfectly groundless. If they looked at the evidence of Alderman Montgomery, they would find that there was no foundation for the statements which the learned counsel had made at the bar. The noble and learned Lord had said that on a former occasion he (Lord Normanby) had pledged himself to prove the misconduct of the corporation of Dublin; but what he had said was, that he would endeavour to give the best reasons in his power against the motion which the noble and learned Lord had now submitted to their consideration. That, however, was a very narrow ground on which to defend this bill, and it was not on that account alone that this bill was brought forward. He thought the conduct of the corporation of Dublin in regard to the pipe water-rate was fraudulent, that was, malversation of public funds. But the noble and learned Lord, it would appear, had been instructed that this was not an agreeable part of the case of the corporation. The learned counsel at the bar had also said, that there had been no misconduct, but he had not said a word about the pipe water-rate. In regard to that rate the facts were these: in the reign of George 3d. an act was passed to enable the corporation to levy a rate for laying down pipes for supplying Dublin with water. Now, what had the corporation done? They had voted themselves 1,500*l.* a year under this act, because, as they said, they had advanced money at separate times to procure a supply of water for the town. Under the Metal Main Act the corporation was required to keep separate accounts, and to submit them at stated periods to the Lord-lieutenant, but no accounts had for eight years been rendered. They had, however, voted themselves another 1,000*l.* a year, and, moreover, the Lord-mayor and treasurer had allowed themselves a per centage. They had then, in place of that per centage, voted 1,000*l.* a year to the Lord Mayor, and 1,000*l.* a year to the treasurer. The fact of the corporation of Dublin being in debt to the amount, at the lowest calculation, of 200,000*l.* and, according to other calculations 300,000*l.*, was pretty good proof that they had not managed their funds in the most judicious manner. But the point of the greatest importance was, that the corporation was exclusive. The sheriffs who were appointed by the corporation, were actually obliged, in order to show that they had not in the slightest degree abandoned those extreme principles, and those strong prejudices, upon the faith of which they were elected, to propose and drink a specific toast which was notoriously offensive to the Roman Catholic population of Ireland. Those prejudices, he regretted to say, operated throughout the whole system of the administration of justice, and even affected the appointment of grand juries when they happened to be connected with the corporation. The noble and learned Lord had alluded to the corporation of Tuam as an exclusive corporation, because the great majority of its members were Roman Catholics. Now, although it would be fair to apply such a test to the corporation of Dublin, in order to prove it was exclusive, it was not applicable to the case of Tuam, because there the population was entirely Roman Catholic. If their Lordships really wished to show favour to a body which was the most exclusive of all the corporations of Ireland, and which was also the most delinquent,—he did not mean as to personal dishonour, but as regarded the mismanagement of the corporate funds—if they wished to show favour to such a body as that, then would they agree to the motion of the noble and learned Lord. But if their Lordships did agree to that motion, they must not expect that the country for which they were legislating and the other House of Parliament with which they were legislating could consider their Lordships sincere in their endeavours to settle this question. He hoped, however, that their Lordships would show by a large majority, that they were sincerely desirous of settling a question of so much importance to the prosperity of the sister country.

The Earl of *Carbery* said, that the valuation which had taken place in Dublin under the Poor-law Act had been set aside in the case of upwards of 300 houses; for the purpose of raising their valuation, and thereby conferring on the occupiers of those houses the Parliamentary franchise. And who was to be found at the head of those upon whose supervision and recommendation that change had been made? No less a person than Mr. Seaton, an electioneering agent of Mr. O'Connell's. With that simple fact before his eyes, he could arrive at no other conclusion respecting this bill than that it would have the effect of transferring the power at present possessed by the Protestants into the hands of the Roman Catholics, and of establishing Popish domination in Ireland.

The Earl of *Wicklow* had listened with attention to the speeches of counsel at the bar, and to those which had been made that evening by noble Lords near him, and he confessed he could see in them no arguments in favour of the present motion, however there might have been in favour of the bill. If any motion of the kind ought to be made, it should in his mind be for the exclusion of all the other corporations excepting Dublin, which seemed all along to have been the principal corporation in view with the projectors of the bill. The bill was framed particularly for Dublin to which he thought it applicable, while he did not see any inapplicability in it to the other towns. He could not therefore support the proposition of his noble and learned Friend. It was said, that this bill transferred power from the hands of one sect to another, but in his opinion it transferred power from a section to the great body of the people. He did not consider that the power would be transferred so much to the Roman Catholic as to the Radical party, which greatly preponderated in Ireland. Protestants would be found in the corporation of Dublin and those of other great towns, though perhaps not in Tuam, which had for the most part a Roman Catholic population. He considered that any change which might take place would be less of a sectarian than of a political character. He admitted that the altered circumstances of the present time rendered corporations almost unnecessary; but at the same time, if they were retained in this country he was of opinion that a similar principle of legislation should be extended to Ireland. That country was now too strong to be governed in any other manner than by applying to it the principles of the British constitution, and he, for one, would never give his consent to any other course. The effect of the proposition made by his noble and learned Friend would be to throw out the bill altogether, for it would be a mere mockery to pass the bill with the exclusion of Dublin. He had been opposed to the exclusion of Galway; but if a motion were made to exclude from the operation of the bill any town in which the majority of the inhabitants were opposed to becoming burthened with the expense of municipal institutions, it should have his support.

The Marquess of *Westmeath* supported the amendment. He considered that it was an act of great injustice to include Dublin in this bill, for there was nothing in the evidence collected by the corporation commissioners to bear out the charges which had been made against the corporation of that city. He had no objection to the introduction of a bill for the purpose of amending any defects which might be shown to exist in the corporation of Dublin, but, as he said before, none of the allegations of that sort had been made out in the reports, though the commissioners had not been most properly selected, as the names of Mr. Purin and Mr. Hudson, and the nature and bearing of the questions proposed to the witnesses would show. The charges against the corporation, he would again repeat, had not been made out, and there was not a single fact in either report which should induce their Lordships to hang a dog upon. With respect to the case of the sheriff, the noble Marquess (Normanby) had stated, that the conduct of the sheriff in the election of juries proved the exclusiveness of the corporation. He denied that the sheriff could misconduct himself with respect to the election of juries. The noble Earl (Wicklow) had stated, that the corporation would consist of the Radical party. Was it not fair for him to state that that party would be the poorest? He could prove that the houses inhabited by the Radical party were of the poorest description. He thought he had answered pretty nearly the noble Marquess's speech. He begged their Lordships to hear his warning voice—by passing this bill they would be jumping into an abyss which they were not prepared to sound. The noble Marquess might try to turn what he had said into mirth, but he could not answer it.

The Earl of *Glengall* objected to the enormous amount of the corporation funds (150,000*l.*) being thrown into the hands of the Repealers and enemies of both Ireland and England; for if their Lordships thus transferred these enormous sums he was prepared to say, that the connexion between Ireland and England would very shortly be dissolved. It was the state of things in Ireland at this moment which made him hostile to this clause. The state of society in Ireland now was totally different from what it had been at any other period. They had the Repeal Society organized in full force, and also the Riband Society; and if the funds of these corporations were given to these men, he did not hesitate to say that it would not be long before Ireland ceased to form an integral part of the British empire. What had been the cause of all these societies failing in attaining their objects in former years. It was the want of funds. He contended that this kind of societies when before in existence in Ireland had invariably tended to produce insurrections. All these societies had formerly merged into the Society of United Irishmen—a society which had produced the most disastrous consequences in Ireland. He contended, that the Society of United Irishmen and the Society of Repealers were the same in their objects. There had of late appeared in Ireland a new power in a new class of priests. They were a totally different description of men from the ancient priesthood, who were generally a respectable class of men. The present order of priests were sprung from a lower class of society—from the sons of small farmers; and it was now known, that to become priests there was no surer road than the political violence of their parents. The young priests were the first at the polling booths at elections, they were the first at elections of Poor-law guardians, and they would be the first in the elections of town councillors. They would be the persons who would elect the town councillors and others of the city of Dublin. If these men gave as much time to circulating the truths of their religion, as they did to circulating seditious papers, he should not complain of them; but they appeared to have thrown away the Prayer-book for the *Dublin Evening Post*, and to have taken up the *Pilot* instead of the Douay Bible. There was not a man in Ireland who did not believe that the Corn Exchange agitators had all the power and the patronage of Ireland in their hands. It was a most unfortunate state of things when persons of indifferent repute were placed in situations of responsibility, and when agitators should have the power of distributing rewards and emoluments. He would wish to ask, was not the Vice President of the Board of Trade a Repealer? [*Laughter.*] He begged, that noble Lords would not laugh at, but answer him. He had himself heard that right hon. Gentleman declare that he was so in the court-house in Clonmel. Let there be a complete assimilation in the municipal laws of England and Ireland, and he would be perfectly satisfied, or let them give Ireland Lord Stanley's bill, and they might then have as many corporations as they liked, Dublin included.

The Duke of *Wellington* would confine himself to simply stating the grounds on which he should give his vote on this question, which was merely that the word "Dublin" be omitted in the bill. The speech of his noble Friend, who had last addressed their Lordships was against the entire bill, and against the corporation system in Ireland, and certainly there was no man more firmly of opinion than he was that it would have been better at first that no corporations whatever should be created in Ireland. That was his opinion originally; but, however, in another place, another opinion prevailed so strongly, that he had yielded his own opinion, and it was now the duty of the noble Lords opposite to take care that the bad consequences which his noble Friend apprehended did not follow from this bill. That to which he would now address himself was the amendment which had been moved by his noble and learned Friend on his left. After their Lordships had had this subject before them during five years, the corporation of Dublin had thought proper this year to present a petition against this bill, and to employ counsel to plead their cause in support of that petition. He must say, that their cause was most ably pleaded, and he should certainly have expected that the noble Lord who moved to call counsel to the bar, or his noble and learned Friend, would have thought it proper to examine witnesses in support of what was stated by counsel, if either of them had intended to found on that statement such a motion as had been made by his noble and learned Friend. No such thing, however, was done, and it appeared by what fell from the noble Marquess, whose statement had not been contradicted, that the learned counsel was not supported by the fact in a great part of what he said. He confessed, he should be very desirous, if he could possibly find the means of preventing the great mischiefs which he apprehended might be occasioned by the establishment of a corporation in Dublin. He certainly should be very sorry to see a society such as existed in Dublin at the present day, and which he hoped would continue to exist there, placed under the government of such a corporation as might be elected if great care were not taken to prevent it. He entreated their Lordships to look closely into the powers given by the law, and particularly at the powers of taxation, and to take care that such great powers should not be lodged in hands which might abuse it. They must, however, consider the state in which the question stood, and considering that, they must, he thought, not vote for the amendment of his noble and learned Friend. Let the bill go through the Committee, and let amendments be introduced into such parts of the bill as would remedy and avert the inconveniencies which might result from lodging great power in the hands of those persons who, however they might be called responsible by the noble Lords on the other side of the House, were responsible to nothing but a wild democracy, which tyrannized over every rank in society. He should vote against the amendment proposed by his noble and learned Friend, and he should do so for the reasons which he had stated. He was prepared to go into every other part of the bill, and he should endeavour to send the bill down to the House of Commons as perfect as it could be made.

The Bishop of *Exeter* rose to do an act of justice, if not to Ireland, at least to an Irishman. It was with very deep regret, that he had heard the noble Duke say, that in consequence of an allegation in a single part of the learned counsel's speech being contradicted by the noble Marquess, the whole of that speech must be laid aside. He must say, that this was not like the usual mode in which that just man, the noble Duke, dealt with questions that came before him. He did not believe, that Alderman Montgomery could have said, that he sat on the grand jury with three Catholics, but the short-hand writers of the corporation told the members of the corporation so, and also the learned counsel. With regard to the toast which the Sheriffs of Dublin gave, there was no greater reason for taking exception to it than to the church service which was performed on the 5th of November. He objected to this bill, because, as the noble Earl opposite had avowed, the power of the corporations would be transferred from Protestants to Roman Catholics. The noble Earl said, that the democratic principle of election was the essence of a reformed corporation. The noble Earl said, that he believed the corporations would not be exclusively Catholic; but exclusively radical. Now, as he believed, that a large portion of the great Conservative body opposite would vote against the amendment, he hoped it would not be upon the principle professed by the noble Earl. He meant cordially to support the motion of his noble and learned Friend.

The Earl of *Wicklow* must protest against the misconstruction which had been put upon a passage in his speech by the right rev. Prelate. He had never asserted, that his reason for supporting the bill was that these corporations would be composed of "Radicals." He had admitted, that in all probability they would be found to be Radicals, in the first instance, and that the change to less violent principles would not be so immediate as the change which had taken place in the remodelled corporations of England.

The Marquess of *Lansdowne* could state, with the most perfect confidence to their Lordships, that the learned counsel who had addressed them from their Bar on behalf of the corporation of Dublin, had been utterly mistaken as to every particle of that evidence upon which he was called on to comment. He made this statement deliberately, after having referred to the evidence in minute detail. The learned counsel had boldly stated, that no instance of malversation, nor the slightest ground of complaint, could be adduced against his clients. Now, to disprove this allegation, it was only necessary to refer to the testimony of Alderman Beresford, that "the boundaries had been in many instances altered and diminished, that perpetuities had been lost through the negligence of the members of the corporations, that leases in perpetuity had been renewed at nominal rents, that renewals of leases had taken place for two houses where there was a conveyance made of 24 or 25 houses; that their estates, in short, had been mismanaged for a period of 50 years, that a prejudice had been created in the public mind, that leases would be given to none but corporators, and that, in point of fact, leases had very often been made to corporators." Alderman Smith came after this witness, and confirmed his testimony as to all these subjects. This was the virtuous corporation that sent counsel to their bar, to ask on what possible point they could be found fault with? Why, not less than 240 streets and 60,000 poor inhabitants had been robbed of their pipe-water by this immaculate corporation, as was recorded upon their Lordships' journals. They derived large funds from the "shippage and anchorage," and not one shilling of this money had been applied to the improvement of the navigation of the river. He appealed to the right rev. Prelate's sense of justice as to his opinion of the mode in which they had administered the most sacred and solemn of all their functions, that which had relation to the administration of justice. They had farmed out the court of conscience, and their sole solicitude had been for the enlargement of the fees. He had little fear of the working of this measure in Dublin more than in the other towns of Ireland, and he objected strongly to leaving out Dublin, because there was before their Lordships a quantity of evidence, with regard to the corporation of that city, to make out a case for a measure of reform for that body itself, independent of any other corporation. It was not, however, upon that ground he stood, but upon the broad principle of introducing and enforcing a principle of local government, founded not on self-election, but on the free election of persons, to remain responsible to the public for their conduct and for the management of the funds intrusted to their care. He must, therefore, vote against the amendment of the noble and learned Lord.

The Marquess of *Londonderry* wished merely to defend the learned counsel who had recently been heard at their Lordships' Bar from the attacks which had been made upon him, and to state the reasons for the vote which he was about to give. That learned gentleman, as he had himself stated, was prepared to prove every statement which he had made; and he must say, therefore, that the remarks which had been made by noble Lords opposite were not justified. With regard to the question before the House, he was disposed to vote for the motion of the noble and learned Lord near him, because he had reason to believe that if Dublin were excluded from the operation of this measure, that person who was master of the Government would not allow the bill to pass.

Lord *Wynford* said, in reply, that he thought the remarks which had been made by noble Lords opposite in regard to the learned gentleman who was heard at their Lordships' Bar were perfectly unjustified. That learned person held the highest character, and was prepared to prove the truth of every statement he had advanced, if their Lordships would afford him an opportunity of doing so. He should leave his motion in the hands of their Lordships.

The House divided:—Contents 35; Not-Contents 82:—Majority 47.

List of the CONTENTS.

DUKES.
Buckingham
Marlborough
Newcastle.
MARQUESSES.
Cholmondeley
Londonderry
Westmeath.
EARLS.
Bandon
Brownlow
Carbery
Dartmouth
Eldon
Enniskillen
Falmouth
Glengall
Warwick.
VISCOUNT.
Gort.
BARONS.
Bayning
Bexley
Bolton
Boston
Braybrooke
Faversham
Grantley
Kenyon
Rayleigh
Wodehouse
Wynford.
BISHOPS.
Cork
Exeter
Gloucester
Llandaff
Lincoln
London
Oxford.

List of the NOT-CONTENTS.

ARCHBISHOP.
Canterbury.
DUKES.
Dorset
Leeds
Leinster
Wellington.
MARQUESSES.
Clanricarde
Headford

Lansdowne
Normanby
Salisbury.

EARLS.

Aberdeen
Brecknock
Camperdown
Charlemont
Clanwilliam
Clarendon
Devon
Gosford
Haddington
Harrington
Howard of Effingham
Ilchester
Kingston
Leitrim
Lonsdale
Minto
Moray
Munster
Powis
Rosebery
Spencer
Scarborough
Wicklow.

VISCOUNTS.

Bolingbroke
Duncannon
Hawarden
Hereford
Hood
Lismore
Melbourne
Torrington.

BARONS.

Ashburton
Barham
Bateman
Brougham
Byron
Clonbrock
Colborne
Cottenham
Dacre
De Ros
Denman
Ellenborough
Foley
Gardner
Hatherton
Holland
Kinnaird
Leigh
Lilford
Lurgan
Lyttleton
Methuen
Mostyn
Poltimore
Portman
Ravensworth
Rolle
Stafford
Stanley
Studeley
Vaux
Wenlock
Wharncliffe.

BISHOPS.

Chichester
Durham
Lichfield
Salisbury

The remaining schedules and preamble agreed to.

House resumed. Bill to be reported.

HOUSE OF COMMONS,

Monday, July 6, 1840.

MINUTES.] Bills. Read a first time:—Parliamentary Boroughs; New South Wales; Friendly Societies; Newgate Gaol; Dublin; West India Relief.—Read a second time:—Caledonian Canal.—Read a third time:—Vaccination; Grammar Schools.

WEAVER CHURCHES.] Sir P. Egerton moved the Order of the Day for resuming the adjourned debate on the Weaver Churches Bill.

Mr. *J. Jervis* proposed a clause, the object of which was the introduction into the number of trustees of ten practical men of those who paid 19-20ths of the funds raised by the tolls.

Clause read a first time. On the question that it be read a second time.

Sir *P. Egerton* opposed the clause. It would be unprecedented to introduce into a bill for building new churches, a clause re-modelling the constitution of the trust.

Mr. *E. J. Stanley* contended that the amendment was just and reasonable, and one which the House might grant, as it in no way affected the general principle of the bill. Surely, nothing could be more reasonable than that those whose interests were greatly affected by the tolls should be represented in the trustees.

The House divided on the clause: Ayes 72; Noes 140: Majority 68,

On the question that the bill do pass,

Lord *R. Grosvenor* opposed it, on the ground that it was wholly unprecedented to take funds for the erection of churches of the Protestant worship from tolls collected from persons of all religious denominations. If this principle were adopted, the trustees of other rivers, canals, or docks, might claim a right to apply the funds of the trusts for the purpose of building churches. He also objected to the bill as sanctioning a complete misapplication of the property of the trust from its original intended objects.

Sir *C. Lemon* did not think that the relief of the religious destitution of the district would be a departure from the original intentions of the trust, but he would vote against the bill in the hope of having a better bill on the subject next year.

The House divided: Ayes 181; Noes 93: Majority 88.

List of the AYES.

Acland, Sir T. D.
A'Court, Captain
Ainsworth, P.
Alford, Viscount
Alsager, Captain
Arbuthnott, hon. H.
Ashley, Lord
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J. jun.
Baker, E.
Baldwin, C. B.
Baring, hon. F.
Baring, H. B.
Baring, hon. W. B.
Barneby, J.
Barrington, Viscount
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Boldero, H. G.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, C. L. C.
Bruges, W. H. L.
Buller, Sir J. Y.
Burroughes, H. N.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Cartwright, W. R.
Castlereagh, Viscount
Chapman, A.
Cholmondeley, hn. H.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Codrington, C. W.
Colquhoun, J. C.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Dalrymple, Sir A.

Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
D'Israeli, B.
Dottin, A. R.
Dowdeswell, W.
Drummond, H. H.
Dugdale, W. S.
Du Pre, G.
East, J. B.
Eaton, R. J.
Eliot, Lord
Estcourt, T.
Farnham, E. B.
Feilden, W.
Fitzroy, hon. H.
Forester, hon. G.
Fox, S. L.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Graham, rt. hon. Sir J.
Granby, Marquess of
Grant, Sir A. C.
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hawkes, T.
Heathcoat, G. J.
Herbert, hon. S.
Herries, rt hon. J. C.
Hillsborough, Earl of
Hodgson, F.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Irton, S.
Jenkins, Sir R.
Jones, Captain
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Litton, E.
Lockhart, A.
Long, W.
Lowther, hon. Colonel
Lowther, Viscount
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Manners, Lord C. S.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Mordaunt, Sir J.
Neeld, J.
Nicholl, J.
Noel, hon. C. G.
Norreys, Lord
Northland, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, M.
Parker, R.
Patten, J. W.
Perceval, Colonel
Pigot, R.
Planta, rt. hon. J.
Polhill, F.
Pollen, Sir J. W.
Praed, W. T.
Pringle, A.
Pusey, P.
Richards, R.
Rickford, W.
Rolleston, L.
Rushbrooke, Colonel
Rushout, G.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smith, A.
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stuart, W. V.
Sturt, H. C.
Teignmouth, Lord
Thesiger, F.
Thompson, Mr. Ald.
Thornhill, C.
Tollemache, F. J.
Trevor, hon. G. R.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Vivian, J. E.
Williams, R.
Wodehouse, E.
Wood, Colonel
Wynn, rt. hon. C. W.
Yorke, hon. E. T.

TELLERS.
Egerton, Sir P.
Egerton, Mr. T.

List of the Noes.

Abercromby, hn. G. R.
Alston, R.
Archbold, R.
Barnard, E. G.
Barry, G. S.
Berkeley, hon. H.
Berkeley, hon. C.
Bewes, T.
Blackett, C.
Bodkin, J. J.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Clive, E. B.
Collins, W.
Denison, W. J.
Divett, E.
Duff, J.
Duncombe, T.
Easthope,
Ellice, E.
Ellis, W.
Evans, G.
Evans, W.
Ewart, W.
Fielden, J.
Fleetwood, Sir P.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Hastie, A.
Hawkins, J. H.
Hill, Lord A. M.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Hoskins, K.
Hume, J.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Jervis, S.
Langdale, hon. C.
Langton, W. G.
Lemon, Sir C.
Lushington, rt. hon. S.
Lynch, A. H.
Muntz, G. F.
O'Connell, D.
Ord, W.
Oswald, J.
Parker, J.
Parnell, rt. hon. Sir H.
Pattison, J.
Pendarves, E. W. W.
Philips, M.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rippon, C.
Rundle, J.
Salwey, Colonel
Sandford, E. A.
Scrope, G. P.
Smith, B.
Stanley, hon. E. J.
Stanley, hon. W. O.
Stansfield, W. R. C.
Steuart, R.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Stuart, Lord J.
Style, Sir C.
Thornely, T.
Troubridge, Sir E. T.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Wilshere, W.
Wood, Sir M.
Wood, B.
Wrightson, W. B.
Yates, J. A.

TELLERS.
Grosvenor, Lord R.
Wilbraham, Mr. G.

Bill passed.

Thanks to the Army in India.] The Speaker informed the House that he had received, from Lord Auckland, the following letter, in return to the thanks of this House, communicated to his Lordship by Mr. Speaker, in obedience to their order of the 6th day of February 1840:

"*Calcutta, May* 4, 1840.

"Sir,—I received your letter of the 6th of February last, transmitting to me the resolutions of the House of Commons upon the late military operations to the westward of the Indus. Your letter, and the resolutions of the

House of Commons, have been published in general orders, and the separate resolutions have been communicated to the several officers who have been particularly named for this high honour. I am confident that this unanimous approbation of the House of Commons will be received with a sense of grateful exultation by all to whom it has been directed; and I request that you will submit to the House the warmth of feeling with which I would acknowledge my share of this distinction. In conclusion, I have particularly to thank you, Sir, for the honourable and obliging terms with which you have communicated to me the resolutions of the House. I am your faithful and obedient servant,

"AUCKLAND."

The right hon. the Speaker of the
House of Commons.

CHINA.] Sir *R. Peel* said, since he had last put a question to the noble Lord, the Secretary for Foreign Affairs on the subject of China, the order in council of the 3rd of April last had appeared in the *Gazette.* He understood from the noble Lord, that it was through a mere inadvertence that it had not been published before. In looking at every instance in which an order in council authorising the detention and holding in custody of ships and cargoes had been issued since the year 1792, as far as he had been able to examine them, such orders had been uniformly published in the *Gazette.* He only referred to this, that it might not hereafter be transformed into a precedent. The general rule appeared to be, that when an order in council authorising the detention and holding in custody of ships was issued, it was officially announced in the *Gazette;* and the departure, in this instance, was not a departure for any reason, but a mere inadvertence. He wished to ask the noble Lord, what were our present relations with the government of China, and he put that question on account of the nature of the order in council which had been issued, that order in council authorising the detention and holding in custody of vessels, ships, and cargoes belonging to the Emperor of China or to his subjects, or to other parties resident in China. If there had been only a simple order in council to that effect, he apprehended that no question could have arisen. In that case, the order in council would not be tantamount to a declaration of hostilities; it would merely be an equivocal state, the character of which would afterwards be impressed by some subsequent event. For instance, if peace ensued, that equivocal state would be a condition of peace; if it should be followed by a declaration of hostilities, that declaration would have rather a retro-active operation, and that equivocal state would be converted into a state of warfare. But that order was not a simple order authorising detention. The order appeared to him to be a departure from the practice ordinarily pursued in such cases. In the first place, it authorised detention in custody; but, in the second place, the same order departed from its simple character, and became a conditional order, directing forcible seizure, and authorizing a forfeiture of ship and cargo. But this order again received a character of contingency, for it made its execution to depend upon due reparation and satisfaction being made to her Majesty. The order was unconditional in so far as it was addressed to Courts of Admiralty in all parts of the world, directing them to proceed, and deal conditionally with all seizures which might be brought before them. Now, the question which he wished to put to the noble Lord was this—whether the nature of the present order, being also a conditional order, made any difference in our relations with China? He wished to know, did this country remain in the same equivocal state with reference to China, or whether the effect of the order was to place us in a state of peace or war.

Viscount *Palmerston* conceived the nature of the order determined the nature of our relations with China. As far as his opinion respecting the effect of the expedition recently sent out went, he could only say that it would be impossible, on account of the distance, and on account of delays attendant upon communications with that part of the world, for any one to form an opinion as to the effect which that expedition was likely to produce upon our relations with China. What our relations with China actually were at the present moment was known to all the world. With respect to the order in council, to which the right hon. Baronet had just adverted, it was perfectly true, that the order in council went much further as to provisions than was usual in such cases, but it was occasioned by a necessity which arose out of the peculiarity of the case. If the proceedings in question related to a country within a short distance of Great Britain, so that our communications could reach the government of that country within a reasonable time, we might have contented ourselves with making simple reprisals and keeping in safe custody the vessels or cargoes captured, in order to allow time for the moral effect of such a proceeding, postponing any ulterior steps until the effect of such preliminary measures became obvious. Under such circumstances, and by adopting such precautions, a final rupture might be eventually avoided. To take such a course in our intercourse with China would clearly be now impossible. Suppose a certain number of vessels were to be now detained by our officers on the coast of China, if the Chinese government gave us satisfaction for the injuries we had sustained, there need be no departure from the simplicity of the first order; but let the House suppose a different result to ensue, it was obvious that the ships so detained must be made prizes of war. If, then her Majesty's Government had neglected beforehand to empower the Courts of Admiralty to deal with such cases, those courts must wait first until there was a total failure of all attempts at amicable arrangement; and, secondly, until, in consequence of that failure, powers sufficient for the emergency were forwarded from this country to the east. Such a delay, he need hardly observe, would amount to no less than eight or ten months, during which time it was clear there would be great difficulty of taking care of ships. Therefore, it was, that in this case they gave a contingent power to the Courts of Vice-Admiralty to adjudicate upon such ships as were sent before them by the detaining officer.

Sir *R. Peel*—I am not entitled to enter into any argument upon the question, but the relations of this country with foreign nations is a most important one to our merchants, and it is necessary that they should have every possible information upon such a subject. I understand the purport of the answer of the noble Lord to be, that, although the Orders in Council were different from former orders, still they in no respect altered the position of our relations with China any more than had they been simple orders in council. The next question I have to ask is, when a vessel is seised and sent to a court, will it depend upon whether or no the Emperor of China gives satisfactory explanations that it is to be adjudicated upon; and if so, what is the authority that is to decide on the sufficiency of the satisfaction? Is there to be any legal authority—any power given to any one on the spot to determine whether the reparation offered is sufficient or not?

Viscount *Palmerston*—For the same reason before stated, viz. distance, full powers had been given to an authority to determine on the behalf of the Government, whether the reparation offered was sufficient or not.

Sir *R. Peel*—In what position will the foreign merchant resident in China be placed? Is the noble Lord aware that there is an important variance between the recital of the orders in council, and the directory part of them? The directory had ordered all our vessels to detain and hold in custody all vessels belonging to the Emperor of China, and all persons inhabiting that country. Under this direction, our vessels must detain the vessels of all persons residing in China, whose case is not mentioned in the recital. I wish to know, if the noble Lord has no objection to make the statement, what he considers would be the situation of foreign merchants, Americans for instance, who belonged to the factories, because, in the East, a merchant is considered to belong to the country to which the factory belonged; but, in this country, a Dutchman carrying on business in an American factory, would be considered a Dutchman.

Viscount *Palmerston* said, that in that respect the order in council had been copied from the previous orders in council. The course usually pursued under such orders in council, he believed, was to detain the vessels of those that were neutral, and also those with whom the country was at war; and then, if the matter in dispute was brought to an amicable conclusion, both the ships and the cargoes were released; but if war ensued, then the ships of the enemy were condemned, and the neutral cargo was restored by the sentence of a court of Admiralty, duly commissioned for the purpose; and if, after hostilities had commenced, any neutral who chose to fix his residence in the State which was at war, assumed the character of a common enemy, he would be treated as such.

REGISTRATION OF VOTERS (IRELAND).] Lord *Stanley* rose and said, that although he might not be strictly in order, he was anxious to take an opportunity of stating to the House the course he intended to pursue with respect to the Irish Registration Bill, which was fixed for Thursday next. He had introduced that bill at an early period of the Session, but not so early as perhaps he ought, seeing the opposition, and the nature of that opposition that had been opposed to its progress. The bill was read a second time on the 25th of March, and from circumstances over which he had no control, the Committee stood over until after the Easter recess. On the 18th of April the discussion on going into Committee commenced, and lasted three days. He was then obliged to postpone the further proceedings with the measure until after the Whitsuntide holidays, when the Bill underwent three days more discussion, from the 11th of June to the 14th. Ten divisions had taken place upon the bill, and on five of those divisions the whole power of the Government was directed to throw it out. Of those ten divisions the Government only succeeded in one, nine being in favour of the bill, which to the present moment remained untouched. In the remaining nine divisions the bill stood the test, and remained untouched. If the bill encountered an opposition rather unusual, he must say, and he said it with feelings of gratitude, that it had been supported with a degree of cordiality and enthusiasm unprecedented in the history of any country. He repeated it—it was supported by a degree of enthusiasm hardly precedented in the annals of Parliament. He knew of no instance in which, week after week, Gentlemen would be found coming down to their places in that House, as had been the case on the present occasion, at the sacrifice of great personal convenience, which he was most unwilling to put them to. He knew no occasion on which, for three successive weeks, 300 Gentlemen, without a single defaulter, recorded their support of a measure brought forward by an individual against the declared determination of opposition by any Government whatsoever. So long as he felt a chance of carrying the bill this Session, he did not scruple to tax the kindness of hon. Friends; but, looking to what had occurred, he felt himself obliged to say, that he would abstain from calling for their further exertions in favour of his bill. The more cordial their support, the more unwilling was he to tax that support, as it was impossible that it could be ultimately successful. What was the position of the bill? They had now occupied nine days in discussing this measure; five or six of those days they had been in Committee; in five days they had passed five clauses out of a bill which contained forty-six; and if the remaining clauses—one of which was a money clause, and required their peculiar consideration—took a like time, it was absolutely impossible that the bill could pass in the present Session. He could not anticipate, either, that the opposition to the bill would be relaxed, or the enmity to it diminished. The last day they went into Committee, after they had given five days to its discussion, instead of making any progress, the whole evening was occupied in the discussion of an instruction which had been previously negatived by the House. He had every reason to believe, that the same degree of opposition would be persisted in during the Session, and that it would be ultimately successful. He feared, then, even had the opposition been fair and candid, that it would occupy too much time to allow of the bill passing this Session. But he wished to notify to the House that the exertions he and his Friends had made this Session were not altogether fruitless. They had established by majorities—certainly not by large majorities, but sufficiently so to command the respect of Government—the fact that evils existed in the system of voting in Ireland so glaring as to require an effectual remedy. The House had decided in favour of his bill against that of her Majesty's Government. They had four times affirmed the principle of his bill. They had approved of annual registration in opposition to the quarterly registrations supported by Government. He might go on carrying the other clauses, and achieving barren triumphs; but as he would, by doing this, stand in the way of much public business, and not having the least hope of being able to carry the bill in the present Session, he did not, for the mere sake of harassing Government or defeating their measures, think it proper to take this course. They had other very important measures before them, which it would not be expedient to postpone, and he should feel exceedingly sorry if any act of his should be productive of inconvenience to the public business. Upon that principle he was prepared to rest, and if he abstained from pressing this bill in the present Session, he would distinctly state, that profiting by the experience of this Session, and knowing the opposition he was likely to encounter, he should take the earliest opportunity in the next Session of again inviting the consideration of the House to this measure, and should bring it forward at so early a period of that Session, that he trusted the act would be brought into operation at no later a period than that which he had proposed for the measure in this Session. He should, therefore, move the Order of the Day for going into Committee on this bill for the purpose of its being discharged.

Lord *John Russell* said, there was one part of the noble Lord's statement, and one part only, to which he thought himself bound to advert. Upon the reasons which the noble Lord had given for not pressing this bill in the present Session, on the grounds of public convenience, he had nothing to say; but with regard to what seemed to be imputed with respect to the opposition to this bill, he thought it his duty, after what the noble Lord had stated, to say, that fair, candid, and open had been the character of that opposition. There might be a question certainly whether, after the House had agreed to go into Committee on the bill, any motion should be made to prefer any other bill to the bill of the noble Lord. He felt he was fully entitled to have made such a motion; but, in order that there might be no excuse for alleging that he endeavoured to prevent the progress of this bill, it had not been his intention to do so. The hon. Member for Halifax had however, proposed such a motion to the House. That hon. Member had voted for going into Committee, at the same time giving reasons, which, as he thought, should have induced him to vote against it. But he did not think the noble Lord could say, that his hon. Friend had been actuated by motives of unfair and uncandid opposition. There had been another occasion to which the noble Lord adverted when they were about to go into Committee, when the hon. and learned Member for Dublin moved an instruction; but under what circumstances did he move it, and what was the debate that then took place? It was under these circumstances:—The hon. Member for Bridport had wished to move it on a previous occasion, but was prevented from doing so by some technical form of the House, and it was a form upon which at that time, seeing the excitement of the House upon this subject, he did not like to express any opinion contrary to that which had been given by the Chair. But if the question should occur again, he should with great deference, state his own opinion to be at variance with that of the Chair. Being prevented, then, from moving the clauses at that time, the House went into Committee. There was a desultory discussion, but the motion was never made until it was made by the hon. and learned Member for Dublin. But what was the debate that then took place? He was blamed in the course of that debate for not stopping it; but the fact was, that four hon. and learned Gentlemen on the other side carried on that debate, arguing the whole subject with great diffuseness. Every argument that could possibly be urged was urged against that motion. Was he to prevent that? He should certainly have thought that the noble Lord opposite ought to have prevented that discussion, and while they were going into arguments which appeared so prolix, he could not help observing to his noble Friend beside him (Lord Morpeth), that by their carrying on their arguments at such great length, it could not be the intention of the other side to proceed with this measure in the present Session. With regard to the measure itself, as the noble Lord declared his intention of abandoning it, it was not his intention to say anything. But in the next Session, if any measure were brought forward with regard to registration in Ireland, whether on the Government side of the House or the Opposition, he should certainly be ready to discuss it; but always with this view, that if it was intended fairly to allow persons who by law were entitled to vote easily to register themselves, and without exorbitant expense or needless delay, to place their votes on the list, by which they might be enabled to go to the poll at the time of an election, everything that could forward that object should have his earnest support. But whatever proposition was introduced under the name of registration to obstruct and destroy the franchise which was given by the Reform Act, he having been concerned in the passing of that Act, should feel it his duty to give the strongest opposition to that measure. He was looking the other day at what had been the course of the discussion in the progress of the Reform Act, and he found that for forty days his noble Friend (Lord Spencer) and himself had argued in the Committee in favour of that measure, and that bill being thrown out of the House of Lords in the next Session, they argued for twenty-two days more in favour of it in Committee. That was besides all the discussion upon going into the Committee, and on the third reading of that bill; but long as that time was, sixty-two days altogether in Committee, besides various other days of discussion, he was ready to encounter, either for that or a longer period of time, a discussion in this House rather than submit to an effectual and virtual repeal of an important part of that Act.

Order for the Committee on Thursday read and discharged, *sine die*.

Sir *C. Douglas* wished to know whether it was the intention of the noble Lord to proceed with the Rights of Voting Bill this Session?

Lord *J. Russell* was understood to answer in the negative.

Sir *R. Peel* said, that as this was about the time for clearing off bills, he wished to know whether the Government intended to go on now with the Treating and Bribery Bill?

Lord *J. Russell* said, there were some points connected with that measure which required consideration before it could be further proceeded with. He had, however, been anxious to introduce it to the House, but he did not intend to go on with it this Session.

Sir *R. Peel:* I presume, then, that the English Registration Bill will also be postponed?

Lord *J. Russell:* Yes.

Sir *R. Peel:* And the same, I suppose, with regard to the Ireland Registration Bill (No. 2), so that we shall have got rid of these five bills at once.

CANADA CLERGY RESERVES.] Lord *J. Russell* said, that before the House proceeded to the business of the day, he wished to explain what course he meant to pursue with regard to the Clergy Reserves Bill. He felt the course was such as required not only that he should state it to the House at once, but that, if possible, he should have means on some future day of inserting provisions in this bill, in order to enable the House to discuss the proposition he was about to state. He had stated the other evening, in answer to what had fallen from the hon. Member for Newark, that a proposition had been made by the Archbishop of Canterbury on this subject, but it was one to which he felt himself unable to accede. He had now to state to the House, that another proposition had been made to him, the full particulars of which he had not yet seen, but which he was told was likely to obtain the assent of those who had the most right to represent the Church of England in Parliament, and who had communicated with some members of the Colonial Committee of the General Assembly of the Church of Scotland, and he understood that they considered it perfectly fair and just towards the Church of Scotland. The proposition was to this effect:—It was founded on the opinion of the judges, which had been given in the other House of Parliament with respect to the clergy reserves. That opinion recognised the right on the part of the Church of England, and also recognised the right on the part of the Church of Scotland, to share in those reserves; and, by words which he need not quote, virtually admitted the term of Christians of other denominations, as entitling them likewise to share according to the Act of Parliament of 1791, in the proceeds of such reserves. The opinion went on to state that the Legislature of Upper Canada was incompetent to deal with the clergy reserves in the manner in which they had done, and the judges also stated their opinion with regard to the lands already appropriated. Now, this proposition proposed to deal differently with those lands that were sold under the Act of 1827, the 7th and 8th Geo. 4th, from the manner in which it was proposed to deal with the other parts of the clergy reserves. It was proposed that one-fourth, or rather the proceeds of that one-fourth which was already sold, should be given absolutely to the Church of England and the Church of Scotland, in the proportion of two to one; that is, being divided into three equal parts, two of those parts should be given to the Church of England, and one to the Church of Scotland. It was proposed further, with regard to the remaining three-fourths of the clergy reserves, that they should be divided into equal parts, of which one should be given to the Church of England and Church of Scotland, and the other part should be left to the Governor and Executive Council of Canada generally for the purpose of religious worship and instruction. With respect to that part which was to be left to the Churches of England and Scotland it was proposed that a similar division should take place as was proposed with regard to the one-fourth that was already sold—namely, two-thirds to the Church of England, and one-third to the Church of Scotland. That division did not rest on any ground of superiority of the Church of England over that of Scotland, but if they took the number of Presbyterians of the Church of Scotland alone, and the number of members of the Church of England in Canada, they would find, that the latter amounted in round numbers to about 80,000, and the former only to about 40,000. There was this further proposition, that such being the general division of the proceeds of the clergy reserves, with respect to the one-fourth which was already sold, and the proceeds of which were already partly invested in the funds of this country, and standing in the names of trustees, it was proposed, reverting to the principle which used to be adopted, and was agreed to by Parliament, but which was changed in 1833, when some modification was made by the noble Lord opposite, then Secretary of State for the Colonies, that the whole of the proceeds now payable to the Church of England and Church of Scotland out of the revenue of Upper Canada should be guaranteed permanently to the Church of England and the Church of Scotland. The amount now paid to the Church of England was 7,700*l.*, and to the Church of Scotland 1,580*l.* It was now proposed to guarantee the payment permanently, It seemed to him, that if that payment were to be guaranteed at all, it ought to be done out of the funds of this country; because the funds of Canada, being already, by the Union Bill, burdened to a considerable extent for the civil list, he thought it would be unfair to burden them still further for this purpose. Now, such being the proposition that had been made to him, as one likely to secure the assent of those to whom he had before alluded, it was for the Government to consider whether it were such a proposition as they could adopt. He would not argue at present the general reasons that might be urged against it or in its favour, either as to its claim being founded on the opinion of the judges, or as to its general expediency as regarded Canada: but there was another view in which it appeared to him that however deeply responsible he should become in proposing to Parliament the adoption of a proposition different from that which had been made by the Assembly and Legislative Council of Canada, yet, upon the whole, it was advisable to adopt this proposition, with reference not merely to this question of the clergy reserves, but with reference to the whole question of Canadian Government. He could not but remember the manner in which the measure which had been proposed to the Government respecting Canada—he meant the great measure of the union—had been treated both in Canada and in this House. The present Governor-general was sent out to Canada with instructions to propose a measure for the union of the provinces, but, at the same time, with full power, if he should find that the measure of the union was either impracticable or wholly inexpedient, to propose some other measure in its place, giving, at the same time, such reasons as he should think proper for such proposal. Far, however, from making any such proposition, he found the measure of the union, both in Lower and Upper Canada, met with the assent of all the authorities of either province. When this measure was introduced to this House, it was introduced without the likelihood of any other measure being more acceptable, and it was the question with the House, whether or not it was incumbent upon it to accept the measure of the Government. Such had been the alternative—and it was generally accepted by both sides of the House. Upon this ground, the union of the Canadas has had the concurrence, first, of all her Majesty's confidential servants; secondly, of the noble Lord, the Member for Northumberland, who took a profound interest in the question; it has had the concurrence of the hon. Member for Coventry, than whom there is no one better qualified to form an opinion, from his personal experience as to the practical working of the measure in Canada; it has had the active and able support of the hon. Member for Newark; it has had the support of the noble Lord, the Member for North Lancashire, it has had, lastly, the able support, founded upon reasons, which, in my opinion, could not be answered, and which certainly were not answered in the debate, of the right hon. Baronet, the Member for Tamworth, who, in addition to his own individual merits, had filled the highest station in the councils of his Sovereign. In this House, it has been carried by almost unanimous consent, there being one hundred and fifty-six in its favour, and but six opposed to it. He could not but refer to these circumstances, and he would be most unwilling, when another question was introduced relative to Canada, not to endeavour to obtain for it something of the same general assent. He should be anxious to send to the Canadas the measures of the union and of the clergy reserves, not only by the authority of the Government, but with the general consent of the whole House. He could not persuade himself that any person deeply and extensively considering the whole interests of Canada would disappoint the hopes which were entertained, that in the present Session we shall be able to settle the affairs of Canada. Though one measure may be preferred to another — though he was not prepared to say, that another measure might not be better than the union of the Canadas—yet it would be most dangerous to induce in Canada a belief, that the Legislature were not acting upon any settled plan with respect to that province, but with capricious and party views. Believing this to be the case, and feeling that he should be responsible if in Canada parties should make it an excuse, that one Church had been treated with undue favour rather than another, yet, feeling the greater responsibility if he opposed any obstacle, on his part, to the settlement of a question on which the welfare of Canada depended, he should move, on Thursday next, in the form of an amendment, the propositions which he had detailed. Though they were not the propositions which he might think the best, yet, considering that those who had made them had conceded much of their own opinions as to what they think due to the Church of England in making these propositions, he should willingly accept them in the way he proposed, and offer them to the consideration of the House. The noble Lord concluded by moving the postponement of the question of the clergy reserves to Thursday next.

Sir *R. Peel:* I think it necessary to state, that the opinions which I have on different occasions delivered upon the subject of Canada, remain entirely unchanged. With respect to the clergy reserves, I hope this measure will be discussed in the same spirit as the union of the Canadas—and I would appeal to the House if it could be asserted, of the propositions made to the noble Lord, and by him to the House, that the Church of England had been governed by a rigid adherence to his own interests. I think that the proposition made by the Archbishop of Canterbury, distinguished as well for his high station as for his moderation, comes recommended by justice as well as forbearance. On the part of the Church of England, all obstacles are removed from the disposal of the whole of the reserve lands. The Church seeks not to reserve to herself any of these lands. After the decision of the judges, the Church of Scotland is admitted to the same right as the Church of England; and the only difference which exists is, the difference arising from the number of adherents which belong to each. With this proposition, acquiesced in by the two churches, permitting the sale of the whole of the reserve lands, with the guarantee in perpetuity of the present amount with one-third of the proceeds of the future sale, that is a proposal recommended by its intrinsic importance, as well as by its justice and moderation. It would be unfortunate, indeed, if this question should remain unsettled. It is to me a source of the greatest satisfaction, that the noble Lord acquiesces in the proposal made by the Church of England. In acceding to that proposal, I think the noble Lord has acted wisely; and I sincerely hope that this measure will be discussed in the same spirit as the question of the union, and I trust that the two measures will pass into a law with the general concurrence of the House, and by doing so, be the foundation of a happy relation between this country and Canada.

In answer to Mr. C. Buller,

Lord *J. Russell* replied, it is proposed to leave one-half of the three-fourths to the disposal of the Governor-general and the executive council, for the purposes of religious worship, and for education. This was done to promote unanimity in the House, because there were Opposition hon. Members who would object to any portion being granted to the Roman Catholics.

AUSTRIAN TREATY OF COMMERCE.] Mr. *Labouchere* brought up the report of the committee on commerce and navigation, as follows—

> "That the Chairman be directed to move the House, that leave be given to bring in a bill, to enable her Majesty to carry into effect certain stipulations contained in a treaty of commerce and navigation between her Majesty and the Emperor of Austria, and to empower her Majesty to declare, by Order in Council, that ports which are the most natural and convenient shipping ports of States, within whose dominions they are not situated, may in certain cases be considered, for all purposes of trade with her Majesty's dominions, as the national ports of such States."

The right hon. Gentleman moved, that the resolution be agreed to.

Mr. *Herries* thought that some explanation would have been given by the right hon. Gentleman for such an extraordinary motion, especially as he had given notice of motion of certain resolutions, the effect of which would be some such measure as that which the right hon. Gentleman now professed his desire to bring forward. The immediate effect of the present motion would be, to interpose between his motion, which was for an address to her Majesty, praying her to take some steps to put an end to the state of things now existing. He had thought, that the right hon. Gentleman would have explained under what circumstances and for what purposes he came forward in the year 1840, and asked for a power to be placed in the hands of Government, enabling them at their discretion to set aside the Navigation Act, for the purpose of carrying into effect a treaty with Austria made two years ago. He would venture to say, that it was an unexampled circumstance for a member of the Government to come down and propose a measure of such an extraordinary character, without saying a word in its support. Was it for hon. Gentlemen on his side of the House to explain why this extraordinary power was requisite? Yet it was necessary that he should state to the House that which the right hon. Gentleman was unwilling to state. Two years ago a treaty was concluded between this country and the government of Austria, having for its object that which all persons who took a just view of the interests of the two countries must concur in facilitating to the utmost of their power. No individual felt more than he did the importance of drawing closer the ties of friendship, and of intercourse between this country and Austria. There was no state with which at all times and under all circumstances it was more important or more desirable that this country should be united; but in the present state of the continent, and in relation to passing and future events, the importance of this connexion was still further increased. In 1838, her Majesty's Government took great praise to themselves for having surpassed all their predecessors, and for having, by their superior skill, effected a commercial treaty with Austria, and thereby opened a new way for the extension of our trade. He concurred in the object, but with others he lamented that they had taken unskilful means to carry their intentions into effect. Instead of the treaty being an improvement on the treaty negociated by the Earl of Aberdeen, it had been the subject of continued difficulty; and, instead of producing a better understanding between the two countries, it had led to long protracted and hitherto unfinished negotiations. There were two articles in the new treaty which differed from the previous treaty, and embodied, or were intended to embody, one of the great principles of the commercial treaties with other countries, and which was called "reciprocity." This principle was embodied in Articles 4 and 5, and to them he would call the particular attention of the House. Each of these articles was in contravention of the laws of this land. The first was a direct violation and contravention of the navigation laws; the second was also at variance and deviation from that same law. He mentioned both together, because it was necessary that the House should bear in mind that with respect to the 5th Article the difficulties which the navigation laws threw in the way of the execution of that article had been removed by a special application to Parliament. At the end of the Customs Bill of last year, and on the third reading, a clause was introduced enabling the Government, notwithstanding the Navigation Act, to give effect to the 5th Article of the Austrian treaty, which provided,

"In consideration of British vessels arriving from other countries than those belonging to the high contracting parties being admitted with their cargoes into Austrian ports, without paying any other duties whatever than those paid by Austrian vessels, so also the productions of the soil and industry of the parts of Asia or Africa situated within the Straits of Gibraltar, which shall have been brought into the ports of Austria, may be re-exported from thence in Austrian vessels directly into British ports, in the same manner and with the same privileges as to all manner of duties and immunities, as if these productions were imported from Austrian ports in British vessels."

The clause enabling the treaty to be carried into effect was smuggled through Parliament; if he had been present, and the purport of the clause had been mentioned, he would have made no objection. The 5th Article being thus disposed of, they came now to the 4th Article, and if it had not before that time been made the subject of particular observation in that House by any independent Member, the neglect might well be excused, because if any one read the article alone, it was impossible to be understood to construe at first into a contravention of the Navigation Act. It had not, however, escaped the notice of the Earl of Aberdeen, who called the attention of the public to the latter part of the clause which required much explanation. It was so ambiguous that it could not be understood by any person not aware of the spirit with which it was framed. But an instance had occurred since, which gave a practical illustration of what was intended, and showed that it was a direct violation of the navigation laws. An Austrian ship had arrived, and attempted to do that which this article professed to give it the right to do. In consequence of this, the parties making the attempt were guilty of a violation of our navigation law, the ship and cargo were seized, and after much negotiation with the public departments they were released, on the payment of a small fine, such small fine being expressly imposed to prevent the assumption that the importation was authorized by the existing law. Now, though the Austrian ship had acted against the navigation law, it had acted according to the treaty of commerce. By the 4th Article of that treaty it was declared, that

"All Austrian vessels arriving from the ports of the Danube, as far as Galacz inclusively, shall, together with their cargoes, be admitted into the ports of the United Kingdom of Great Britain and Ireland, and of all the possessions of her Britannic Majesty, exactly in the same manner as if such vessels came direct from Austrian ports, with all the privileges and immunities stipulated by the present treaty of navigation and commerce."

It then went on to say,

"In like manner, all British vessels, with their cargoes, shall continue to be placed upon the same footing as Austrian vessels, whenever such British vessels shall enter into or depart from the same ports."

Here was an authority given to the English to go with equal advantages to the Austrians, and enter ports in which Austria had not one foot of land. The reciprocity which Austria gave was the right of English vessels to go into Turkish ports in the same manner as Austrian ships. This most extraordinary provision did not fail to attract attention. The right hon. Gentleman, the Member for Tamworth, had endeavoured to obtain an explanation, and that explanation he certainly did not obtain. The same question being asked in two different places, it was said in one place "it is true, there certainly does appear to be a difficulty on this account, but a treaty will very soon be made with Turkey, by which effect will be given to this article, and undoubtedly something must be done before the Austrian treaty that has been ratified can be executed. But in that House, when the same question was asked, the reply was, that no such treaty with Turkey was necessary. The noble Lord, at the head of the Government, had said in another place, that a treaty would be formed, and in that House, the noble Lord at the head of the Foreign Department said, that a treaty was not necessary. No doubt it was not necessary, unless some effect were intended to be given to the stipulations of the treaty. The fifth article of the treaty contravened the Navigation Act, and needed a legislative measure to give it effect; and it now appeared by events which had since disclosed the fact, that the fourth article was even more at variance with the Navigation Act. Why had not the Government, in fairness and justice, asked the House at the same time that the fifth article was remedied, for an authority by which the fourth could be carried into effect? That was what he expected the right hon.

Gentleman to explain, and not merely to put a paper into the hands of the Speaker in the careless way in which he had just done. The right hon. Gentleman had not only to explain why he did now ask for this power, but also why he had not asked for it long ago? Lord Melbourne had said, that he might be asked why this had not been done before, and that his reply was that the right hon. Gentleman formerly at the head of the Board of Trade, knowing that a treaty with Turkey was on foot, had thought it better not to come twice to Parliament. But the Government had already come once, and by the course they were now taking they had come twice. He had a right to ask those who applied to the House for powers to enable the Government at their own will and pleasure to set aside the navigation laws to state the grounds for the application. He had himself given his notice of motion because it was a matter of notoriety in the commercial world; and if this motion had not intervened, he had intended to move resolutions declaring that what had been done had been in contravention of the law, that the Government officers had interfered to mitigate the effect of the law, that such a state of things in respect to a treaty with a foreign power was unbecoming us as a nation, and that, therefore, the House would address the Crown, praying it to take such steps as were necessary to put an end to a state of things which was alike unsuited to the regular administration of the law, and to the punctual fulfilment of her Majesty's engagements with foreign powers. He was not prepared to say, that he would oppose the bill; but he doubted whether this was the best course for applying a remedy to the evil to which the want of due caution on the part of those who had had the care of our foreign and commercial affairs had exposed this country. The reason why the attention of this country had not been so much directed to these articles was, that it was possible to conceive that the vessels might arrive with an Austrian cargo, and if so, it would be consistent with the Navigation Act, because Austrian ships might bring an Austrian cargo from any port; it was not necessary that it should come from an Austrian port. It might have been thought that the Government never would have given a power to any state to bring into our ports the produce of any other state. The navigation laws were passed for the very purpose of preventing such a power, and it would have been deemed almost incredible that without submitting any measure to Parliament, and without any apology or explanation, the Government should have entered into and allowed a treaty to remain on the Table of the House without any notice, which was impracticable to give the concession which was intended to be made, except by a repetition of those favours, which the court of Vienna seemed to think would be granted to each succeeding vessel. The Government, however, incredible as it appeared, took no pains to reconcile the two things, either by altering the treaty so as to fit the law of the land, or by altering the law of the land to fit the treaty. How long the present state of things might have continued, if no notice had been taken of it on that side of the House, he could not say. It was clear, from the correspondence which had been laid on the Table of the House, that up to September, 1839, there was no intention to take any steps. That was ten months after the treaty was framed, and up to the first intimation of its violation. Here was a vessel, alleging that she came on the principle of the treaty, seized by us. The Treasury had referred the matter to the Board of Trade, and the Board of Trade gave this reply:—

"Board of Trade, Whitehall, 12th Sept., 1839.

Sir—The Lords of the Committee of Privy Council for Trade have considered the application of Mr. John Routh, of the 2nd instant, transmitted by you, on the subject of a cargo of Turkish corn, imported from a Turkish port in the Danube in an Austrian ship; and their Lordships having adverted to the language of the 4th article of the Austrian treaty, referred to in your letter, have directed me to state their opinion, that although there may be no concurrent law for carrying that article into effect, according to the construction put upon it by the shippers at Galacz, it would be proper to give some relief in this and in similar cases. I am, therefore, to request that you will inform the Lords Commissioners of her Majesty's Treasury, of the opinion of the Lords of this Committee, that such cargoes should, for the present, be admitted to entry for home consumption, upon the payment of a moderate fine, which they think should be demanded, in order to prevent the assumption that the importation is authorised by the existing law."

There was no recommendation for altering the law to make it fit this state of things. There was no "concurrent" law, said the Board of Trade. It was rather an ingenious way of putting it. There was no "concurrent" law. No; there was a distinct law against it. That was what ought to have been stated. Yet this did not cause the Government to alter the treaty that had been negociated, or to come down to the House for means to carry it out. They did neither one nor the other. He asked, then, who was responsible for this act? Was it the noble Lord opposite, the Secretary of State for Foreign Affairs, who had framed this treaty in direct violation of the law of the land? Was it the Board of Trade? Because there were many particulars in relation to these treaties on which the Board of Trade used to be consulted, and he presumed still was. Did the Board of Trade advise the passing of the 4th article, and its being ratified without any means existing for carrying it into effect? Suppose the Foreign-office had forgotten, as commercial matters sometimes escaped diplomatic characters of the highest character, could not the Board of Trade recollect the state of the laws? The year 1838 passed. The year 1839 passed over without any step being taken by the Board of Trade. Then, again, were the law officers forgotten? The custom used to be, and he presumed it was the same now, to submit all treaties before they were ratified, to the law officers of the Crown; these legal functionaries were conversant with the law of the land. Did they not know the extent to which the treaty went in consequence of its ambiguous wording? Did they think it was no concession? Did they think, that there was no harm in a treaty, by which we gave Austria what we could not do by laws, and Austria conceded to us what she had no power to concede? Perhaps, under these circumstances, the law-officers considered the article of little or no value, and so gave no opinion upon it. Still, all those three departments were responsible for an article, which was a direct violation of the law, and which could only be acted on by an alteration of the law, or, as was now proposed, by giving the Government the power to dispense with the law. He objected to the latter mode, and he thought that the objection was good, unless the treaty was admitted by the noble Lord and the right hon. Gentleman to be of no avail. The measure which was proposed was, to give a power to the Government to deal with ports which were not within the power of other countries, with which the treaties were negociated, but which might be convenient, and to declare them to be deemed material ports. It was giving to the Government the power to become the judge of any alteration in the navigation law. He thought, that their object might be answered without giving any such power. It might be right to stretch the Navigation Act in favour of Austria, in consideration of something being conceded. But what he feared was, that if we gave Austria this exemption, other nations which by treaty were entitled to be put on the same footing as the most favoured, might claim similar exemption. The noble Lord should have been anxious to show that if Austria, by the concluding part of the 4th article, did give something substantial in return, then there was an end to that objection. If it was a concession on the part of Austria to enable English vessels to enter Turkish ports on the same terms as Austrian vessels, then it might be right to give Austria this exemption from our navigation laws. But supposing that this offer was something that Austria had not the power to fulfil, then the right hon. Gentleman felt the difficulty, and made this application to Parliament to give to the Government a general authority to fortify them against the claims that might be made upon them by other countries. He trusted that he had said enough to show that the course which he had taken was not altogether unnecessary. In all respects this treaty was inferior in its framework to that which preceded it. He admitted that it contained much which was new, and much which was good; but unfortunately, the new was not good, and the good was not new.

Mr. *Labouchere* said, that he had made no exposition of the grounds upon which he had made this motion, because he had thought that it would be better to wait until he saw the nature of the accusations brought against the Government before he attempted to make any explanation of his conduct, or of the conduct of those with whom he had had the honour to act. With regard to the speech of the right hon. Gentleman, he must say, that he had never heard more fallacious observations addressed to the House, or observations founded on more unstable grounds, and he could well conceive that the right hon. Gentleman was averse to have those fallacies exposed. The right hon. Gentleman began by making an assertion similar to one which had been made in another place by a very high authority, that there was no difference between this treaty and that of the Earl of Aberdeen, except in the single article which was now under the consideration of the House; and that there were no advantages gained by this treaty to the commerce of the country beyond those which had been obtained by the treaty of the noble Earl. It became his duty, in answer to that observation, to show the advantages which in reality, were derived from the treaty, together with the particulars in which it differed from that formerly made, and to lay before the House those proofs which he possessed of the recent increase of trade and commerce, and he was soothed, under the sufferings produced by the hard words which the right hon. Gentleman had applied to him, by the certain prospect that a very great and almost indefinite extension of the trade of this country would take place in consequence of the provisions which had been made. He had been astonished to hear the right hon. Gentleman declare, that there was no important distinction between this treaty and that of the Earl of Aberdeen. With regard to the important points of this treaty, and in respect to this subject, he rejoiced to say, that we had gained no additional advantages but upon terms of mutual reciprocity, which were best calculated to maintain the friendly relation of nations, he could himself claim no share of the merit due to those by whom it had been framed. The advantages derived under its provisions were obtained through the exertions and the zeal of his noble Friend who sat near him, the Secretary of State for Foreign Affairs, and of his right hon. Friend Mr. Poulett Thomson, whose situation he now so unworthily occupied, and he must say, also, that they were considerably owing to the zeal and ability of Mr. M'Gregor, by whom it had been negociated. To proceed, however, to the provisions of the treaty. The first important advantage which it obtained for this country had been granted by no other European state. It was that of a free admission for all British ships with cargoes carried direct from all parts of the world into the Austrian ports. This was a most important stipulation, and one which had been most anxiously looked for by our trade and commerce. It was true, that it was practically enjoyed before, but those who were acquainted with the subject well knew, that unless this security were afforded, that direct trade, which was so important, could not be secured, and those who were engaged in this species of trade would have no hesitation in assuring the House, that the advantage which was obtained was one of no ordinary importance. In this provision, alone, therefore, there was a wide distinction between the treaty signed by Mr. M'Gregor and that of the Earl of Aberdeen, and although he did not mean to deny, that the treaty of the noble Earl was one of undoubted merit, he thought that it was exceedingly improper to assert that the other was identical with it, except with respect to a few breaches of the navigation laws. But there was another point of still greater importance to which the right hon. Gentleman had not referred at all. Was there nothing obtained at the same time with the treaty? There was. For there had been a most important alteration in the tariff of Austria, which operated most advantageously to the trade of this country, and which had produced a vast augmentation of our exports to Austria. This did not apply to the treaty it was true, but it was effected at the same time. The late tariff of Austria was one of the most prohibitory in the world, but he was happy that that enlightened statesman, Prince Metternich, had seen the importance—the necessity of some alteration and revision being made. The principle of prohibition had now been entirely removed, and that of duty had been substituted for it. Those duties still remained very high, but in many instances changes had been made of a most liberal description, materially affecting the commerce of the country. The following, among other articles of British growth and manufacture, which are now exported by the Adriatic, Genoa, and the Rhine, and Elbe, into the Austrian dominions were, until those changes, prohibited, *viz.* woven and printed cottons, linens and woollens, hats of all kinds, manufactures of brass, copper, iron, steel, pewter, and tin, painters' colours, Cape wines, ale and porter, &c. &c. The duties at which these were now admitted varied from 5 to 10, 15, 20, and in some instances, as on cotton woven goods, to 50 per cent., *ad valorem.*

Cotton twist paid formerly 60 to 80 per cent.; it was now admitted at 15 florins the centner of 123lbs., or from 5 to 8 per cent. On linen yarns the duty was reduced to 10d. per centner—from 5 to 8 per cent. On leather manufactures, the duties were reduced to 20 per cent. Fish, such as cod-fish and herrings, to 2 florins the centner. Fish oils and train oils to about 7*d.* the centner. Muscovado and refined sugars had both been reduced, the former from 21 florins to 15 florins, and for the use of refineries to 7½ florins. Numerous other reductions had also been made. He contended that the House must look at this treaty, together with the reduction which had been obtained in the tariff at the same period, and he believed that it would be found that no proceeding had ever been presented to the House of the same character, which produced more practical benefit, or which better deserved its support and assent. A great increase of British trade to Austria had been the effect of this stipulation. A great portion of the exports of this country to Austria found its way through the Elbe and other northern rivers, and he was not at present possessed of the means of showing what the increase had been in that respect; but with regard to the commerce of this country and its dependencies, carried on through the medium of British ships entering Austrian ports, he could make a statement to the House of the most gratifying description. The year before this treaty was made, (1837) the number of British ships which arrived with British cargoes in Austrian ports was 97, measuring 17,338 tons; in 1838, the number of ships was 164, measuring 28,669 tons. In the year 1839, the number of vessels was 147, measuring 27,066 tons. A great increase of trade, therefore, had taken place since the signing of the treaty, and he thought that commerce mutually advantageous would spring up; and he believed that there could be no interest more binding or more likely to encourage a friendly feeling than that produced by a system of mutual trade, carried on upon terms of reciprocal advantage. He would now come to the subject more immediately under the notice of the House. The right hon. Gentleman had said, that there was nothing new in the treaty which was good, and nothing good which was new. He thought that he should be able to shew, that there were things both good and new, as well in principle as in effect, in the treaty. He should now proceed to show what concessions had been made by this country to Austria in return for these advantages, and he was prepared to maintain, that they were either beneficial to England, or, at all events, that they did not produce any injury to this country. These concessions amounted to two, contained in two articles numbered 4 and 5; and these were undoubtedly in contravention of the strict letter of the navigation law. The fifth article went to allow Austrian vessels to import into this country cargoes of the produce of Asia and Africa within the Straits of Gibraltar, provided those cargoes had been previously landed in Austria. He should have been prepared to show how reasonable it was, that such a concession should be made; but, as the right hon. Gentleman had admitted its propriety, he thought it would be wasting the time of the House to detain them with its consideration. He should, therefore, go at once to the fourth article, which was more properly before the House. He would frankly admit, that there had been some difference with regard to this part of the subject. Discussions had taken place between the Austrian and the English Government; but they had been carried on with feelings of the most amicable and conciliatory description. He was not able to speak with confidence upon this subject, as the arrangement had been made by Mr. Poulett Thomson before he (Mr. Labouchere) had the honour of holding the station which he now filled, and he believed that it was in consequence of the discussions which were then pending, and of the difficulty of forming an opinion upon the subject, that that right hon. Gentleman was unwilling to bring the subject before the House at that time. On the 12th of September, just one week after he had had the honour of receiving his appointment, it so happened that an Austrian vessel containing Turkish corn arrived in this country. That, having come from Galacz, he thought that we were not bound to admit that cargo; but it having been made clear to him that they were bound under treaty to admit it, without a moment's hesitation, he recommended to the Treasury that the Government ought to interfere, and to direct the cargo to be received. The right hon. Gentleman said, what a state of things was this, where an act being done in contravention of the navigation laws, the authority of Parliament was not sought upon the general subject! The House must suppose, upon this observation, that this was not an isolated case, but that there was a constant stream of commerce between the ports of the Danube and this country. This, however, was the only cargo which had arrived under these circumstances, and he thought that the right hon. Gentleman need not have been in such a violent hurry to make a complaint to the House. The right hon. Gentleman was mistaken if he supposed that he had intended to allow this Session to pass over, without obtaining from it its opinion as to the construction of this treaty. The subject had been discussed by him with his noble Friend, and it was agreed that this question should be brought before the House before the conclusion of the Session. He apprehended that the meaning of the treaty was, that ships coming from all ports of the Danube, down to Galacz, should be admitted, just as if they came from Austria, and that British vessels should, upon terms of reciprocity, be admitted to all ports on the Danube, within the same district. It might be said, however, that these were Turkish ports: but he apprehended that the first and second parts of the article were dependent on each other, and if Turkey prohibited the admission of English vessels into her ports, it would be a question whether England would not, in return, prohibit the entry of Turkish vessels into her ports. But the House would observe the principle which had been acted upon. He held, that this country had the deepest interest in extending its commercial relations, and in giving every facility to a continual intercourse between the merchants of this empire and those of the vast continental powers, which, from their situation, could never be considered maritime powers, which occupied the centre of Europe, but which, from the introduction of steam navigation, had, by means of large rivers, obtained all the advantages of sea-ports; and he held, that, if the expediency of relaxing our navigation laws were shown, it became our duty to adopt that course. Austria had no ports within its own dominions into which sea-going ships could procure admission, and it was necessary to favour all those ports to which access could be obtained, in order, as far as possible, to extend our commercial relations with that country; and he had heard, with much satisfaction, that although the right hon. Gentleman had objected to the precise words of the treaty, he had been unable to point out any practical evil as resulting from it. He believed that nothing but practical good could be produced by the treaty, and he believed, that in adopting the course which had been taken, we were producing material advantages to Europe. Then the right hon. Gentleman suggested, that under the fourth article of the treaty, this country must be placed in a position of great difficulty with other great powers, with which we had reciprocal treaties. He was satisfied, however, that no such result could be produced, for no other country but Austria had a river placed in a position so peculiar as that of the Danube. He hoped he had said enough to show, in the first place, that this treaty, taken as a whole, was highly advantageous to this country; that it was founded upon just principles; that, although in the two instances pointed out by the right hon. Gentleman, it departed from the strict letter of the navigation laws, yet that it adhered to the spirit of those laws, and that while we had sacrificed what was no loss to us, we had obtained, in return, most valuable privileges to our own merchants.

Mr. *Herries*, in explanation, said, that the right hon. Gentleman had mistaken him. What he objected to was, that the right hon. Gentleman, having made his motion, had not thought right to support it with any statement. He would thus have been afforded an opportunity to reply. But, instead of doing that, the right hon. Gentleman had put him in the condition of making a statement, whilst he had himself the opportunity of reply. With respect to making general provisions to enable the Government to grant similar advantages to other states, he thought that no more powers ought to be given than were shown to be necessary. If it was shown that those powers were more than were necessary, they ought not to be asked for by the Crown, nor conceded by the House of Commons.

Mr. *Colquhoun* said, that he felt ready to offer the meed of his congratulation to her Majesty's Government for the general scope of this treaty, which he thought calculated to increase the trade of this country. When so much had been said of reciprocal advantages, he was anxious to call the attention of the House to a point which had not been adverted to with sufficient clearness by the right hon. Gentleman. When this country had to contend with a country which possessed cheap timber and low wages, it was impossible that this country could succeed in the competition. In stating this fact, which was of great importance, he would be able to prove it by returns which he held in his hand. Mr. Huskisson considered, that the increase of shipping between this and other countries with which we had reciprocal treaties would be in our favour, but the contrary was proved to be the fact. With respect to the eight countries of Europe, with which we have treaties of reciprocity, taking the three years from 1821 to 1824, before the passing of these treaties, and the three years from 1836 to 1839, since the signing of these treaties, it appeared that in the three former years there were 910,000 tons of British shipping employed in her trade with those countries, and 771,000 tons of foreign shipping. In the three latter years, ending 1839, the amount of British tonnage had increased to 1,588,000 tons, whilst the foreign shipping had increased to 1,168,000 tons. There were, on the other hand, six countries with which we had no reciprocity treaties, in contrast with which our tonnage was rapidly increasing. He thought that these facts demonstrated most clearly, that this country, when competing with countries which possessed cheap timber and low-priced labour, could not possibly succeed. That was, however, no reason why reciprocity treaties should not be adopted. If they did not exist, what Mr. Huskisson had called conflicting duties would be the consequence; and their fruit would cause incalculable injury to trade. He contended that no reciprocity treaty was useful in which care was not taken to obtain advantages for our manufacturers; and, certainly, that point had been attended to in the Austrian treaty, for in that manufacturers were included. With respect to the 4th article in the treaty, which was the principal subject in discussion, he thought that Government had left it very imperfect, they not having secured the trade of the Danube by a treaty with Turkey. While we were without a treaty with Turkey, the fourth article of the Austrian treaty was of little or no use. The objections urged by his right hon. Friend (Mr. Herries) had been two, and he did not think the answers of the right hon. Gentleman, the President of the Board of Trade at all satisfactory. The first was, that Government, having by the treaty violated the Navigation Act, had afterwards taken no steps towards getting the consent of Parliament to that measure. There was no personal blame to be attached to the present President of the Board of Trade for the omission, but certainly Government, as a body, were responsible. The right hon. Gentleman had stated, that no great inconvenience had arisen from the conflict between the treaty and the law. He could tell him that he knew a gentleman who, on the promulgation of the treaty, was most anxious to open a trade with Austria, but who, on the seizure of the vessel at Gloucester, immediately abandoned the idea. The fact was, that the imperfect state of the treaty precluded all attempts at increasing the trade. The other objection of his right hon. Friend was, that in consequence of neglecting to include Turkey in the arrangement, our trade would be left at the mercy of any foreign power who could successfully intrigue at the Turkish court for the closing of the ports of the Danube. He trusted, that the right hon. Gentleman would use his best endeavours to remove those imperfections from a treaty which, generally speaking, was likely to prove beneficial to the trade of this country.

Mr. *Hawes* said, that the object of the framers of the fourth article in this treaty had been to interest Great Britain in maintaining the free navigation of the mouth of the Danube and the Black Sea, and the ports there. It was observable, that since this treaty had been concluded there had been an increased activity in the trade between this country and Austria. It was highly desirable, therefore, that the Government should be empowered to enter into similar treaties with other powers, and so far to relax the strictness of the navigation laws. He rejoiced to find that this bill had received such a degree of attention, and that there was a prospect of some relaxation of those laws.

Mr. *A. Chapman* objected to the principle of the treaty. He was old enough to remember when reciprocity treaties first came before the House, and, at that time, had stated that their effect would be to increase the tonnage of other countries, and to diminish our own. The returns produced by his hon. Friend, the Member for Kilmarnock, proved that his (Mr. Chapman's) prophecy had been correct, because now if it were not for our colonial trade our tonnage would be small indeed. Now, we carried no coffee from Batavia to Holland, nor was there any trade from the Baltic to this country, except in foreign ships. The hon. Member for Lambeth had made a comparison between our trade at the present time, and that of 1814, alleging, that in 1814 this country was carrier to all the world. The hon. Member had forgotten, that in 1814, the Berlin and Milan decrees were promulgated, and consequently that then we had no trade in Europe from the North Cape to Gibraltar. The most flourishing period of our trade was from 1816 to 1822, the last being the year in which the unfortunate reciprocal treaties were introduced. He trusted, that the noble Lord would not proceed with any more of those treaties, but would preserve those laws which had created nurseries for our seamen, and had led to the victories of a Howe and a Nelson.

Mr. *Sheil:* There was this advantage gained from the treaty, which distinguished it from that of Lord Aberdeen—that at present British ships could go from any part of the world to Austria. Formerly they were confined to Great Britain. This was a change essentially distinct, which the hon. Member for Harwich must admit, on consideration, to be a change for the better. What was the result? In 1837, the number of British ships which went into Austria were 95; in 1838, the year of the treaty, they increased to 164; and in 1839, there were 144. It was a curious circumstance, that of the latter there were 59 which came not direct from Britain, but from various foreign ports, and this in virtue of the present treaty. Another advantage from the present change was the alteration of the tariff and the shortening of the period of quarantine.

Sir *E. Sugden* said, the right hon. Gentleman had forgotten the 5th Clause, which gave to Austria great advantages. The complaint of his hon. Friend was, that the Government had not come earlier to the House for the power to carry the treaty into execution, inasmuch as the treaty was in violation of the Navigation Laws. As to the allegation that fifty-nine of our ships had taken advantage of the clause and only one Austrian vessel, that was an additional reason why the Government should have come down to the House earlier, as it looked like a breach of faith with the Powers with whom we had entered into a treaty. The construction of the treaty according to its terms was very doubtful. Under all the circumstances, what the House was bound to do was to ascertain that Austria had the power to give that entry to the Turkish ports which she professed, and that the Queen's Government should not be authorised to infringe the Navigation Laws until it was satisfactorily ascertained that Austria had the power to give that which they professed to give.

Mr. *A. White* trusted Government would not relax the Navigation Laws.

Mr. *Hindley* observed, that the advocates of free trade in that House did not at all relish the principles of the bill when they affected their own constituents. The hon. Gentleman who spoke last was in favour of the repeal of the Corn-laws, but was strenuously opposed to any change in the Navigation Laws. He was favourable to the principles of free trade, and should, therefore, support the motion.

Sir *S. Canning:* The framers of this treaty were certainly, in his opinion, entitled to credit for the spirit which prevailed in it. At the same time he must say, that in the encomiums bestowed on it sufficient attention had not been paid to that which preceded it. He certainly could not bestow unequivocal praise on the distinctions of a treaty which resting on the ground of mutual advantages refused to allow the entrance of the ships of the foreign power. The discussion, however, would be advantageous.

Viscount *Palmerston* felt great gratification at perceiving that the opinions of almost everybody who had taken part in this subject were in accordance with the principles upon which this treaty was framed. He thought that it would prove exceedingly useful to the commercial interests and relations of this country for it to go forth that all parties were agreed in favour of the liberal principles on which this treaty was framed. It had been objected that some of the articles of the treaty were not so clearly drawn as they might have been. He did not admit this objection to the extent it had been made, and he thought that the right hon. Member who urged it showed that he fully understood the article to which he referred. He would admit, that the 4th Article was not quite so clearly worded as it might have been. The fact was, that during the negotiations at Vienna on this subject this article was frequently altered and copied, and it was in the course of these proceedings that this slight obscurity crept in. When the treaty came to this country to be ratified the question was, whether it should be sent back again for verbal amendment, or signed at once; and the latter course was adopted, as it was not considered that a trifling obscurity in one or two expressions would be a sufficient ground to postpone the adoption of so important a principle as the treaty involved. With respect to the objection that the advantages conferred upon Austria by this treaty were clear and evident, but that those intended for England were absolutely nugatory, he did not think that it was borne out by the fact. The right hon. Member would bear in mind that by the terms of this treaty, Austria was precluded, not only from asking, but also from accepting if offered, any greater advantages in the ports of Turkey than were enjoyed by England. With respect to the objection, that fully to realize the advantages contemplated by this connexion, a subsequent treaty with Turkey would be necessary in order to prevent that power from excluding us altogether from the Danube, he would only remark, that by virtue of existing treaties, English ships had a right of trading in any Turkish ports, and therefore to all parts of the Danube comprehended within the Turkish territory, whilst the freedom of the remainder was guaranteed by the treaty with Austria. He agreed that it was of vast importance to give every possible development to the commercial energies of Turkey and Austria, and the opening of the navigation of the Danube, by affording a water communication with those great and productive countries, could not but afford very great facilities for that mercantile intercourse with Great Britain, which on every account was so desirable.

Mr. *Herries* had not intended to say anything against the general scope and principle of this treaty.

Report agreed to.

ECCLESIASTICAL DUTIES AND REVENUES.] House in Committee on the Ecclesiastical Duties and Revenues Bill.

On Clause 35,

Colonel *Rolleston* moved to omit the proviso "that the benefices in the patronage of the prebendaries of the collegiate church of Southwell, shall be vested partly in the Bishop of Ripon, and partly in the Bishop of Manchester."

The Committee divided on the question that the words proposed to be left out stand:—Ayes 77; Noes 17; Majority 60

List of the Ayes.

Abercromby, hn. G.R.
Acland, Sir T. D.
Adam, Admiral
Ainsworth, P.
Baines, E.
Baring, rt. hon. F. T.
Barry, G. S.
Basset, J.
Blackett, C.
Bridgeman, H.
Brotherton, J.
Bruges, W. H. L.
Busfeild, W.
Cavendish, hon. G. H.
Chalmers, P.
Clay, W.
Courtenay, P.
Dalmeny, Lord
Dundas, D.
Elliot, hon. J. E.
Erle, W.
Euston, Earl of
Evans, W.
Ferguson, Sir R. A.
Greene, T.
Grey, rt. hn. Sir G.
Hector, C. J.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Horsman, E.
Hoskins, K.
Howard, hn. E. G. G.
Hutt, W.
James, W.
Liddell, hon. H. T.
Loch, J.
Lushington, rt. hn. S.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Muskett, G. A.
Nicholl, J.
Norreys, Sir D. J.
Parker, J.
Pemberton, T.
Pigot, D. R.
Power, J.
Rawdon, Colonel
Redington, T. N.
Rice, E. R.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Smith, J. A.
Smith, R. V.
Somerville, Sir W. M.
Stuart, W. V.
Stock, Dr.
Style, Sir C.
Sugden, rt. hn. Sir E.
Talbot, C. R. M.
Teignmouth, Lord
Thornely, T.
Verney, Sir H.
Vigors, N. A.
Vivian, J. H.
White, A.
Williams, W.
Williams, W. A.
Wood, G. W.
Wood, B.
Wyse, T.

TELLERS.

Gordon, R.
Tufnell, H.

List of the NOES.

Ackland, T. D.
Bowes, J.
Broadley, H.
Buller, Sir J. Y.
Darby, G.
Eliott, Lord
Estcourt, T.
Holmes, W.
Hope, G. W.
Hughes, W. B.
Knight, H. G.
Lambton, H.
Manners, Lord C. S.
Pakington, J. S.

Parker, R. T.
Pryme, G.
Pusey, P.

TELLERS.
Lincoln, Earl of
Rolleston, R.

Clause agreed to.

Other clauses agreed to.

House resumed. Committee to sit again.

HOUSE OF LORDS,

Tuesday, July 7, 1840.

Minutes.] Bills. Read a first time:—Isle of Man; Grammar Schools.—Read a second time:—Borough Watch Rates.

Petitions presented. By the Duke of Richmond, from Members of the Church of Scotland, in favour of the Church of Scotland Benefices Bill.—By Lord Brougham, from places in Scotland, in favour of Non-Intrusion; from Medical Practitioners of Renfrew, for Medical Reform; and from Inhabitants of Bridgewater, for the Repeal of the Corn-laws.—By the Earl of Kinnoul, from Scotland, in favour of the Church of Scotland Benefices Bill.—By the Earl of Aberdeen, from the North American Colonial Association, in favour of the Union of Upper and Lower Canada.—By Viscount St. Vincent, from 400 Boatmen, against the Conveyance of Goods on the Lord's Day.

Indian Army.] The *Lord Chancellor* acquainted the House that he had received from the Earl of Auckland the following letter, in return to the thanks of the House, communicated to his Lordship by the Lord Chancellor, in obedience to an order of the House of the 4th of February last.

"*Calcutta, May* 4, 1840.

"My Lord,—I have the honour to acknowledge the receipt of your Lordship's letter, transmitting to me the resolutions of the House of Lords of the 21st of February last, respecting the late military operations to the westward of the Indus. These resolutions, with your Lordship's letter, have been published in general orders, and the separate resolutions have been forwarded to the officers whom their Lordships have been pleased to honour by their particular approbation. The great distinction conferred by the unanimous thanks of the House of Lords, will be most sensibly appreciated by all to whom it has been directed; and must be regarded by them as amongst the highest rewards of public service. On my part, I request your Lordship to submit to the House of Lords my grateful acknowledgments of the honour which has been done to me.

"I am your Lordship's most faithful
and obedient servant,
"Auckland."

"The Lord High Chancellor, &c."

On the motion of the Lord Chancellor, the Governor-general's letter was ordered to be entered on the journals.

Government of Canada.] Viscount *Melbourne* moved the Order of the day for a Committee of the whole House on the Canada Government Bill.

The Order of the day having been read,

The Earl of *Hardwicke* said, that in rising to address their Lordships on this occasion, and in pursuance of the notice which he had given the other day, that this bill be committed this day six months, he felt it his duty to state to their Lordships the grounds on which he took this, what might be considered in some degree extraordinary proceeding. It was perfectly true, that he was present when this bill was read a second time, and he did not rise in his place to offer any objection to the principle of the measure; but when he came into the House he was not aware that the course which was then pursued would be taken. Since that time he had thought it his duty to proceed in the manner in which he was now proceeding, not consulting any individual, not connecting himself with any party, but acting entirely on his own responsibility, and from a sense of public duty. He was perfectly aware of his own imperfections—he was aware that he had neither the talents nor the knowledge which a Member of that House presuming to address their Lordships on such a subject ought to possess. But he had about him a strong sense of duty which impelled him to avow his conviction, that if this bill were permitted to pass, it would tend to the separation of our Canadian colonies from the mother country. Although he felt incapable of doing justice to the subject, he also felt that the cause was just and right, and he further felt, that if he failed in showing that this bill was dangerous to the union between this country and her colonies, several of those who had already addressed their Lordships were on his side, although they might not be disposed to carry their opposition to the full extent. He, therefore, was not oppressed by the same difficulty under which he should have laboured, if the whole charge of the proof, and the consequences of failure, had rested upon him alone. He might rest contented upon this occasion, in going at once to a vote upon the speeches which had been delivered by his noble Friend (the Duke of Wellington), and his noble Friend the noble Baron (Ellenborough) who sat at his left on the same bench. He might, he repeated, be contented to ask for a division on those speeches alone, but he thought it more respectful to their Lordships to take upon himself the task of stating the reasons upon which he founded the motion with which he should conclude. He thought, however, that he might also rest in some small degree on the speech of the noble Viscount who had introduced the subject to their Lordships, a speech not conveying to his mind, whatever it might to the minds of others, that sort of impression which ought to be conveyed by a Minister of the Crown on a subject of so great importance, namely, that it was a measure which the noble Viscount was fully confident was necessary to the safety of the empire. The noble Viscount concluded the latter part of his speech with these words:—

> "But whether this union, abstractedly considered, would, with a country which had yet to be settled, be the wisest and the most expedient that could be devised, was scarcely worth discussing, for circumstances were sometimes more powerful than reasons, opinions, theories, and systems."

Scarcely worth discussion! scarcely worth discussion! Such observations as those, when the question before the House was whether two great and important colonies should be well or ill governed, seemed so extraordinary, that they must have escaped a Minister of the Crown by the merest accident. [Viscount *Melbourne:* They never escaped me at all.] He did not quote from memory, but from *The Times*, which was tolerably correct, he believed, in the reports which it contained of the proceedings in their Lordships' House. However, he took the purport of the observations which fell from the noble Viscount to indicate that grave doubts existed in his mind whether the measure would be beneficial. But to proceed. He would pass over that portion of time and that Act of Parliament which, after the conquest of Canada, divided the province into two portions for the purpose of forming the upper part of it into an English province. Now, he would ask their Lordships whether the prospects of Canada were so materially changed, or the aspect of affairs was so satisfactory in itself, that they would no longer think it their duty to keep that division as it was at present. The country had by no means diminished in size, nor was the population much increased, and the French still formed a very large portion of the population, and it seemed to him that the advantage which we had gained by having erected in that country something like an English citadel would be placed in jeopardy by this bill. Now, his opinion was, that no union between the two provinces could be founded on justice. He cared not for the effect of an Act of Parliament, but if an act was to pass to unite the two provinces of Upper and Lower Canada, it never could carry with it the force of justice. If the bill should pass their Lordships' House, and receive the royal assent, that bill being avowedly intended to secure the preponderance of British influence in the united Legislature, by that very act alone they would perpetuate the dissensions which prevailed, and the French Canadians would never feel satisfied that they would be justly and peaceably governed. But he would take another case, and he would suppose, that the bill was a just bill, and would give equal political rights to all parties in that country. If that were the case, their Lordships would do injustice to the other party. Those who had fought and bled for the connexion with this country, and had contended for its institutions in Church and State, would look upon themselves as deserted by us, and handed over to the tyranny of those who were aliens in affection to them. Under those circumstances he held that it was impossible that their Lordships could pass any measure which should be both just, and at the same time insure a preponderance for British influence. This it was which had induced him to take the step which he had adopted on that occasion. Now, none of the governors of the province, till Lord Durham's time, since 1791, had recommended the union of the provinces, and none of the executive councils had sanctioned it, but had invariably discountenanced it. He was now going to refer to a pamphlet which he held in his hand, which was not of authority by itself, but which he should use entirely as a matter of convenience. He should turn to the opinion of Sir Peregrine Maitland, which was given to the author of the pamphlet, Sir F. Head, in reply to a question put by the latter. The opinion was contained in a letter, which was as follows:—

"Brighton, June 6, 1839."

Sir,—In reply to your letter which I have just received, I have not a moment's hesitation in saying, that the democratic pressure in the House of Assembly, aided as it was by English influence, has been as strong as the Lieutenant-governors of the province have been practically able to resist. There can be no doubt that the union of the two provinces would greatly increase that pressure, and the measure was deprecated by the loyalists of Upper Canada in my time upon this ground."

He would then call the attention of their Lordships to the opinion of Sir Francis Head contained in the extracts from a despatch dated Toronto, Upper Canada, October 28, 1836:—

"The remedy which I fear will be assiduously recommended by the British population of Lower Canada is, that the two provinces should be united and placed under the government of some individual in whose coolness, decision, and ability, they can rely. My humble but deliberate opinion of this project is, that it would produce the effect of separating both the Canadas from the parent state, on the homely principle that if tainted and fresh meat be attached together both are corrupted. So long as Upper Canada remains by itself, I feel confident that by mere moderate government her 'majority men' will find that prudence and principle unite to keep them on the same side; but if once we were to amalgamate this province with Lower Canada, we should instantly infuse into the House of General Assembly a powerful French party, whose implacable opposition would be a dead, or rather, a living weight, always seeking to attach itself to any question whatever that could attract and decoy the 'majority men.' If the Imperial Parliament will now deal with Lower Canada with firmness and decision, there is nothing whatever to fear; if it vacillates, all is gone."

Now, it should be borne in mind that the House of Assembly had never once addressed the Crown or the Colonial Secretary in favour of such a measure as the present, but, on the contrary, had addressed the Crown against it. In a despatch addressed to his late Majesty King William 4th, from both houses of the lower province, dated the 3rd of March, 1837, they said:—

"We are of opinion that such a change would expose us to the danger of consequences certainly inconvenient, and possibly most ruinous to the peace and welfare of this country, and destructive of its connexion with the parent state. This province we believe to be quite as large as can be effectually and conveniently ruled by our Executive Government. United with Lower Canada it would form a territory of which the settled parts from east to west would cover an extent of 1,100 miles, which, for nearly half the year, can only be traversed by land, the opposite territory of the United States, along the same extent of frontier, being divided into six states, having each an independent government. The population which Upper Canada contains is almost without exception of British descent. They speak the same language and have the same laws, and it is their pride that these laws are derived from their mother country, and are unmixed with rules and customs of foreign origin. Wholly and happily free from those causes of difficulty which are found so embarrassing in the adjoining province, we cannot but most earnestly hope that we shall be suffered to continue so; and that your Majesty's paternal regard for your numerous and loyal subjects in this colony will not suffer a doubtful experiment to be hazarded, which may be attended with consequences most detrimental to their peace, and injurious to the best interests of themselves and their posterity."

Further, an objecting party to this bill was one who was connected with most important interests in this country—namely, the Church of England. The Bishop of Toronto had opposed the union of the provinces, as also had Mr. Hagerman, a most important person, the Attorney-general of Upper Canada, from whose speech he would read two or three extracts.

"In the vote I am about to give I firmly believe is involved the question of my allegiance, and, as far as depends on my humble advice, the integrity of the empire. Sir, I believe, that the union of the provinces of Upper and Lower Canada will place in imminent peril the connection of this country with the parent state; and, believing this, I cannot, I dare not, without violating the oath of allegiance I have so frequently and so willingly taken, vote in favour of this measure. But the advocates of the union with these people say, that by that measure, all this will be changed, the Canadians of French origin will become reconciled to the dominion of the British, or, at all events, they will be prevented from giving further trouble. I put no faith in any of those opinions, and I believe, that none of them will be realized. On the contrary, I fear, that an opposite effect will be the consequence. I do not believe, that by showing your intention to coerce or overwhelm them by your superior numbers, you will remove the repugnance they now feel to any association with you; neither is the union likely to be recommended to either French or English, when your chief, if not your only reason for seeking it, is to obtain from their coffers the means of paying your debts. If the question were plainly asked me, why I am opposed to the projected union of the provinces, I would answer by simply stating, that we are safe as a dependency of the empire now. Unite us to Lower Canada, and that safety is at an end; and I will not assent to any measure that incurs the risk of so great a calamity as separation from the British Crown. And for what are these great dangers to be incurred—these sacrifices to be made? For no other reason than that we are unwilling to encounter the difficulty of paying off a few hundred thousand pounds of debt! The reflections that are awakened in my mind by this view of the subject are, I confess, melancholy and humiliating; and so strongly do I feel the fatal consequences of this measure, that were I permitted to approach my gracious Sovereign, I would, on my bended knees, implore her Majesty to withhold her assent from it."

With regard to the negative proof, he might adduce to show the danger of the course proposed, he should wish to show their Lordships that the traitors were very much in favour of this bill. Those who had been outlawed supported the principle of the union. If that were the case, was it possible to suppose that they did not expect the hands of their party to be strengthened by it—of that party which we had been obliged to put down by the bayonet? And if that party should be so strengthened, what prospect — what hope, could there be that they could govern that portion of the empire? He would now, in addition to the authorities he had stated as opposed to the union, read to their Lordships a signed document which had been written by Sir F. Head on the previous day, on his requesting that officer to give him any information which he might possess on this question. The noble Lord then read the memorandum of Sir F. Head, as follows;—

"It appears, that the House of Lords is called upon by her Majesty's Government to assent to the Canada Bill on the ground that the union of the Canadas is the declared wish of the Legislature and constituted authorities of the two provinces, and, therefore, that it ought not to be resisted. The following facts will, it is humbly submitted, expose the fallacy of the premises, and of the inference deduced from them. 1. The union of the Canadas was recommended by the Queen to both Houses of Parliament, without the Government having previously consulted either Colonel Gore, Sir P. Maitland, Sir J. Colborne, Sir G. Arthur, Sir F. Head, or Lord Gosford, all of whom had practically administered the Government in the Canadas, and all of whom, had they been consulted, would have given their advice against the measure. Lord Seaton and Lord Gosford, if appealed to in the House of Lords, will, I believe, corroborate the above statement. 2. After the Queen's message had been delivered, the printed bill for the union was submitted by her Majesty's Government to Sir J. Colborne, who, far from approving of it, returned it to the Government with his disapprobation of its contents. If Lord Seaton be asked whether this was or was not the case, he will, I believe, answer in the affirmative. 3. Shortly after Mr. Thomson's arrival in Canada, and shortly after his declaration in favour of the union had been promulgated, Sir G. Arthur forwarded to him a report drawn up by his own Executive Council, in which report the Government project of an union was deprecated in the strongest terms; nevertheless, in direct opposition to this report from Sir G. Arthur's Executive Councillors, Mr. Thomson proceeded with the measure. If Lord Seaton be asked, whether or not he is aware of any such report from Sir G. Arthur and his Executive Council having been submitted to Mr. Thomson, he can, I believe, fully substantiate what I have said. 4. If Lord Seaton be asked whether the recommendation for the union of the Canadas originated with him, he will, I believe, declare that he never recommended it, that he never would have recommended it, and that even now he thinks it a most hazardous experiment. 5. With respect to Lower Canada, if Lord Gosford be asked whether he considers the present Council as a fair representative of the feelings of the inhabitants of the colony, he will, I fully believe, reply, 'that he considers the said Council as a packed jury;' and that in his opinion, their recommendation in favour of the union will be protested against by the Commons' House of Assembly, whenever there shall be restored to it the gift of speech. 6. If Lord Gosford be asked whether he thinks, that Lord John Russell's despatch respecting the future tenure of office, has or has not been the means of intimidating the public officers of Upper Canada to assent to the union, I am confident he will reply in the affirmative, and I believe that Lord Seaton, if asked, would concur in the opinion. 7. With respect to the assertion, that the combined desire of the House of Assembly of Lower Canada, of the House of Assembly of Upper Canada, and of the Executive Council of Upper Canada cannot practically be resisted by the Imperial Parliament, I unequivocally deny it; and I humbly appeal to the records of the Colonial-office to show that as an inexperienced man I not only successfully stood against the demands of all these three authorities combined against me at the same time, but that had I not opposed them, we should have lost the Canadas. What an individual could effect, the Imperial Parliament surely ought not to be afraid to attempt; in fact, the moment the British Parliament admits that its strength is inferior to that of a little colonial Legislature, it virtually casts off its noble colonies, by declaring its imbecility, or rather its incapacity to govern them. The House of

Lords is no doubt embarrassed by the progress which the project of the union has made, but the measure breaks down because it has been founded upon inaccurate representations, endeavouring to shew that Lord Seaton, Sir George Arthur, the Legislatures, and constituted authorities of the Canadas, are all so strongly in favour of the measure, that their united desire cannot, or at least ought not, to be resisted. The authors of these fallacious representations, and not those who have detected them, will surely by history be held responsible for any effects that may be produced by the rejection of the Canada Union Bill by the House of Lords."

Such were the statements and opinions of a gentleman who, whatever might be thought of the dangers he encountered, or the risks he ran, had done that which always received in this country the greatest praise and the greatest support. Sir F. Head had succeeded—he succeeded in saving Canada. He had now shewn that none of the governors, from 1791, downwards, none of the Councils from 1791, none of the Parliaments from 1791, had ever petitioned for this measure; he had shown that in one instance they petitioned against it; and he would show to their Lordships also that the Secretary for the Colonies in the Government of the noble Viscount had no notion of such a proceeding down to the 21st of April, 1837. Under that date the following despatch was written in reply to an address from both houses of the upper province against the union:—

"Downing-street, April 21, 1837.

"Sir,—I have the honour to acknowledge your despatch (No. 26) of the 4th ult., in which you transmit to me an address to his Majesty from the Legislative Council and House of Assembly of Upper Canada, deprecating an union between the two provinces Upper and Lower Canada.

"I beg leave to acquaint you, that having laid this address before the King, his Majesty has been pleased to receive the same very graciously, and to command me to observe that the project of an union between the two provinces has not been contemplated by his Majesty as fit to be recommended for the sanction of Parliament. I have, &c.

"GLENELG."

When he looked at this answer and compared it with the speech made by the noble Viscount opposite on introducing this measure, the impression on his mind was strong that the noble Lord who introduced this measure, and the Government of which he was the head, could not be so satisfied of its success as to introduce it to the notice of Parliament with that feeling of confidence which their Lordships ought to have in legislating on a subject of so much importance. He had shown to their Lordships that the Bishop of Toronto and the Attorney-General of Upper Canada disapproved of this measure—that the traitorous party had given it a sort of negative sanction, and he should now proceed to state to their Lordships who recommended the union. The union was never mentioned as in contemplation till Lord Durham's expensive report was sent in. By the term "expensive" he meant that that report was all they had got for something like a million of money, he believed. He had a great respect for the character of the noble Lord, who was not now present, and therefore he should be cautious of what he said in reference to any subject in which he was concerned. It was said, that they were about to try a measure founded on the principles of Lord Durham's report, and having the sanction of the legislative councils of Upper and Lower Canada. He should first of all call their Lordships' attention to the report of Lord Durham, with a view of shewing that that report was not very worthy of being made the guide of their legislation with reference to Canada. However highly parts of that report might be esteemed by some persons, yet in the great essentials of legislation he thought he should be able to shew, by the opinions of those who had resided in Canada, that it was not a good and sufficient groundwork for the proceedings of Parliament. Sir Peregrine Maitland was, as their Lordships well knew, a long time in that country, and he had written to Sir F. Head a letter, in which he stated that he had no objection to its being made known that he had expressed a decided condemnation of Lord Durham's report.

"My opinion is," said Sir P. Maitland that it gives an inaccurate and unfair representation of the opinions entertained in the province of Upper Canada, and that it censures ignorantly and unjustly those who have administered the government of that province."

He should next state the opinion of Sir F. Head, who declared in a very few words, that

"The report was a tissue of unintentional errors."

Sir G. Arthur also expressed an opinion

unfavourable to the accuracy of the statements contained in the report in his despatches dated April 17 and May 13, 1839. The House of Assembly of Upper Canada had addressed her Majesty in strong terms of disapprobation of the doctrines promulgated in that report. In the report which they humbly submitted to the Queen, refuting at great length all its principal allegations, they said,—

> "That they will apply themselves with calmness, and, they trust, with dispassionate zeal, to vindicate the people of Upper Canada, their Government, and Legislature, from charges that imply a want of patriotism and integrity which they did not expect, and which they grieve to find advanced by a nobleman who had been sent to these provinces to heal rather than to foment grievances, and who certainly should have carefully guarded against giving currency to unfounded, mischievous, and illiberal rumours, for the truth of which he admits he is unable to vouch."

He now came to the next opinion he should cite relative to this report—that of Chief Justice Robinson, who, he believed, was a man of the most distinguished ability and merit, and one who had long served her Majesty faithfully in those provinces. That functionary said in his communication to the Colonial Secretary, published by him,—

> "Another object desirable to be accomplished for promoting the security and welfare of Canada is to counteract by whatever measure may seem most effectual the injurious tendency of that report presented to her Majesty by Lord Durham during the last Session of Parliament. I did not hesitate to state officially, immediately upon its appearance, that I was ready, in any place and at any time, to shew that it was utterly unsafe to be relied upon as the foundation of Parliamentary proceedings."

Yet this report had been presented by desire of her Majesty to both Houses of the Imperial Parliament, and the Government had upon that report recommended the union of the provinces. He had shown their Lordships that that report was not very worthy of the consideration, which it was wished should be given to it, and that in itself it tended to induce a belief that the union might be successful, when those persons who were best acquainted with the country thought that the principles contained in it were dangerous and unconstitutional. He now came to the question, by whom was the union supported? By the Council of Lower Canada, and the Assembly of Upper Canada. Their Lordships were now called on to legislate, because those bodies had strongly recommended this measure as necessary for the security and peace of the country, and their Lordships must depend upon those bodies as having given an honest opinion. He believed, that it was not an honest opinion; he believed it to be an opinion procured by fraud and coercion; he believed it to be an opinion which they had been induced to give from various reasons which they in their own minds could not resist. They had been led to believe, that they would derive great advantages from the union in a pecuniary point of view; they had been led to believe, that the members of that great party which was called Conservative were in favour of the union, or at least thought it necessary; and they had, on the other hand, been led to expect that those who did not agree in the proposition made by the British Government, would, if they were public servants, be dismissed from their offices. They were told, that it was the desire of Her Gracious Majesty that the union should take place, and looking at all the circumstances, he would ask their Lordships what was likely to be the effect of such an intimation on a body which, he might say without derogating from their dignity, rather resembled in power the vestry of the parish of Marylebone than a great legislative assembly? He meant that the population of Upper Canada, not being greater than that of the parish of Marylebone, the representative body of that colony, when put in comparison with the Legislature of this country, rather resembled the vestry of Marylebone than the English House of Parliament. When they used an influence on a body like this, when these parties were told that the Queen was in favour of the union, and that the Conservative party in Parliament intended to support it, and that they would reap pecuniary advantages from it, and that if they did not consent to it Great Britain would withdraw its countenance from them, and that those who were in office would be superseded—when all this was going on practically before their eyes, nothing would induce him to believe that the opinion of these legislative bodies had been honestly obtained. He would proceed to prove it. Where did he find that he was borne out in the statement that a representation had been made to the

House of Assembly, that Great Britain would withdraw its countenance from the Canadians if they did not consent to this union? He found it by referring to the debates which had taken place in the Assembly itself, and by seeing what the gentleman who advocated the cause of the Crown in that body had stated in reply to another gentleman who had said, that it was the intention of the British Government to withdraw its troops in a certain contingency. Mr. Sullivan, who was the presiding Member of Sir G. Arthur's Executive Council, and therefore the representative of the Crown, was reported, in reply to the hon. W. Elmslie, who asserted that the troops would be withdrawn from Canada if the bill were not passed, to have used this language:

> "He rose for the purpose of correcting a mistake the hon. Member had fallen into, in stating that the head of the Government had said, if the Legislature did not assent to these resolutions, the troops should be withdrawn; and he heartily concurred with the hon. Gentleman in declaring, that had such a threat been made, it was unworthy of a British statesman. But he was happy to inform hon. Gentlemen, and he did so from authority, that no such threat had either been expressed or intended. His Excellency the Governor-general, in conversing with the gentleman alluded to, had only put a case thus, that if the people of England, hearing always of our discontent, and of our applications for assistance, and if they also heard of our rejection of the only remedy that seemed open for our relief, might they not say, why should we any longer trouble ourselves with people who will not hear reason?"

An observation like that coming from the Governor-general of the province was a strong step towards saying, "Take care what you are about, my fine fellows; if you do not support us, I do not know whether England will not withdraw its countenance from you." Then as to the notion that it was stated in Canada that the Conservative party would aid and assist the Government in carrying this measure through Parliament, he found it positively asserted in page 36 of the pamphlet published by Sir F. Head.

> "To use their own homely expression, it was easy to see which way the wind blew; and, as the approaching storm was evidently inevitable, many sound and sensible men, who had all their lives been distinguished for their admiration of British institutions, as soon as they were told that Mr. Thomson had declared that 'Sir R. Peel was in favour of the union,' did not hesitate openly to avow, that common prudence and a sense of self-preservation had united in inducing them to shelter themselves in time from its desolating effects."

So much, then, for the gentle measures which were adopted to recommend this measure of union to the Upper Province. Then with respect to the assertion that the prospect of pecuniary assistance had weighed much with the Legislature of Upper Canada, he would only read one short passage from the speech of Mr. Hagerman, wherein he said,

> "Neither is the union likely to be recommended to either French or English when your chief, if not your only, reason for seeking it is to obtain from their coffers the means of paying your debts."

Then, with respect to his position that coercion had been practised on the Assembly, the proof was contained in a despatch from the Secretary of State for the Colonies to Sir G. Arthur, lieutenant-governor of Upper Canada, dated the 16th of October, 1839:—

> "I am desirous of directing your attention to the tenure on which public offices in the gift of the Crown appear to be held throughout the British colonies. I cannot learn that during the present or the two last reigns, a single instance has occurred of a change in the subordinate colonial officers, except in cases of death or resignation, incapacity or misconduct. It is time, therefore, that a different course should be followed; and the object of my present communication is to announce to you the rules which will be hereafter observed on this subject in the province of Lower Canada. You will understand, and will cause it to be made generally known, that hereafter the tenure of colonial offices held during her Majesty's pleasure will not be regarded as equivalent to a tenure during good behaviour, but that such officers will be called upon to retire from the public service, as often as any sufficient motives of public policy may suggest the expediency of that measure."

Mr. Poulett Thomson had made a remark upon that despatch in a despatch which he had written to Lord J. Russell, dated December 6, 1839, in these words:—

> "I had previously received the similar despatch addressed by you to Sir George Arthur, and had directed its publication in the *Gazette* for the information of all parties concerned. This publication appears to have been attended with good effects."

He put it to their Lordships, whether they could now call the opinion which had been expressed by this little legislative body, looking up as it did to England for support, and biassed as it was by what passed in the English Parliament, a free opinion. He had now shown, first, that all the great men and governors, both of Upper and Lower Canada, for many years, and nearly all their legislative bodies, had not expressed any favourable opinion of this measure of union. He had shown, in the second place, that the report of Lord Durham was the foundation of that measure, and that it was not a worthy document to rest legal enactments upon. He had shown, in the third place, that, according to his belief, the consent of the House of Assembly of Upper Canada had been given under circumstances which would not allow him to call it an honest consent; and he had now nothing to add to prove his case, save that the Legislative Council of Lower Canada had given an opinion in favour of the union, and that Lord Gosford was of opinion, that the Legislative Council of that province was nothing but a packed jury. He said, that that was his case. He said, that they were now legislating in that place for the union of two provinces under circumstances so doubtful, nay, he would rather say, so certain in their consequences, that he, for one, could not be induced to assent to it. If their Lordships could judge from what appeared in the public prints, if newspapers were of any value at any time—and he thought that the noble Lord opposite was of opinion that they were of value, and that well-conducted journals spoke the sentiments of the public mind, for when they did not they were useless as matters of sale—he was sure that their Lordships would excuse him whilst he read an extract from an American paper, in which the editor proclaimed his opinion on the prospect of the Canadas, supposing this union between them took place. The paper from which he should read an extract was the *New York Gazette:*—

> "The Governor-general of the Canadas appears to be acting under specific instructions from his Government, and can hardly, therefore, be considered accountable for this or any other act of his administration. These are certainly affairs with which we, on this side of the border, have no right to meddle. The British Ministry must manage these matters as best suits themselves; but there is nothing unneighbourly, we suppose, in prophesying, as we do, that the British Government will have very little further trouble in defending their North American possessions after a union of the two Canadas, as is proposed, for the Lower Canadians will probably take that matter into their own hands. Her Majesty's Ministers have, for a year or two past, proved themselves the most adroit gentlemen whose acts we ever heard or read of. If their object really be to lose their colonies altogether, this, we have already said, is none of our business."

This went so far as to show that our neighbours in the United States were well aware of our proceedings, and that there was a party among them who thought we were voluntarily contributing to the loss of our own empire. It had been said in another place, that those who opposed this measure must be prepared with another in its place, as the Canadas could not remain for six months longer in their present position. He did not believe, that the latter part of that statement was correct. He believed the very reverse to be the fact. He believed that if the Canadas were left in their present state, not only for six months longer, but also for three years longer, it would tend greatly to their safety and to their ultimate improvement. "You have," continued the noble Earl, "in Upper Canada a fortress of brave and loyal Englishmen, who are ready to sacrifice their lives to preserve the laws and institutions of their country, and who are enthusiastically devoted to the integrity of the empire. Upper Canada was a citadel, and a safe citadel, in a country surrounded by enemies. It was a citadel which you could always fall back upon, and in which you could foster and protect your resources. I believe that if you will only support there a just and a good Government—if you will refuse to listen to the delegations of unknown and insignificant individuals—if you will place confidence in your Governors, and will not receive information from every person who volunteers to transmit it to you—if you will countenance honest and patriotic men, and put aside all Reformers, Radicals, and traitors—you will secure to England that fortress intact, and will never have the humiliation of seeing it taken by storm. I believe that in Upper Canada, you have an impregnable, ay, and an invincible fortress. Then, on its flank, you have New Brunswick and Nova Scotia, settlements as brave and as loyal as any dominions that belong to the British throne. You have the sea open to you on the other side; and then to tell me, that a handful of Frenchmen in Lower Canada can throw us all into confusion, and derange all our valuable interests in British America, is to offer me a statement which no honest Englishman can by any possibility put up with. Never will I believe, if the Government at home is prepared to stand upon the constitution, that we cannot keep Lower Canada in perfect quiet until the time shall come, when it can again be intrusted with an honest representation and an honest constitution; and then, if its inhabitants shall not be prepared to perform their duty towards you—you, my Lords, must be prepared to exercise towards them the duty of a parent state, and to put down that rebellion once more, as you have put it down more than once already. This is the only cure which will be left to you for these evils, unless you are prepared to lose the Canadas altogether. My Lords, I thank you for the patient and indulgent hearing which you have given me. I never should have undertaken this task, had I not been impressed with the conviction that it is a duty incumbent upon me to raise my voice, and to stand up here, where I have a right to be heard, in defence of my honest opinions; and I assure your Lordships, that no party considerations will ever have the slightest effect upon me, when I think that the integrity of this empire is in danger." The noble Earl then moved that the bill be committed this day six months.

Lord *Seaton* said, that as the noble Earl had referred to the correspondence in which he had expressed his opinion with respect to the proposed union of the two Canadas, he trusted that he might be permitted to offer a few remarks upon that subject at present. It was certainly true that the bill for uniting the two provinces was announced and introduced in this country before any of the authorities in the province—for instance, before either Lord Durham or Sir G. Arthur were consulted as to its policy. It was also true that he had himself felt the greatest apprehension and alarm as to the probable results of that union, and he believed also that every man in both provinces felt the same apprehension and the same alarm. But, as matters now stood, he thought that it would be more injurious both to the two provinces and to this country to defer this bill, and not to proceed with it this Session, than it would be to suffer it to go on. He decidedly thought that their Lordships ought now to go on with this bill, for it appeared that this constitution could not be continued to be suspended, nor could the restoration of the old representative system in Lower Canada be resorted to again with safety. He therefore thought, that in the present state of the provinces, in the confusion which still prevailed there, and with the agitation which was still going on, it would be better to proceed now with this measure than to leave the two provinces in the present state.

The Duke of *Wellington* concurred nearly in every word which had fallen that evening from the noble Earl, particularly when the noble Earl was stating his own opinions. He did not, however, think it worthy of the noble Earl to read from a paper the argument of another Gentleman, when he was able to state his own case so ably. He was not inclined to depart at all from the opinions which he had given upon this subject on a former evening, and more particularly not from that part of them in which he had entreated their Lordships not to consent to the passing of this measure on account of the opinion entertained upon it by his noble and gallant Friend on the cross benches, and by another gallant Gentleman who was then abroad, and by the House of Commons, and more particularly by some persons in the House of Commons, in whom it was but natural that their Lordships should repose entire confidence. He entertained opinions directly opposite to theirs. It was his opinion that this measure was entirely dangerous. Even her Majesty's Ministers did not venture to state that they felt confidence in it; and from their taciturnity he said distinctly that they did not feel confidence in it. He said further, that her Majesty's Government would not be able to govern these provinces according to the system of this bill. They should, therefore, seek some other system by which they would be able to govern them; for it was their duty, and it was also the duty of Parliament, to secure to the dominion of the Crown of England those valuable provinces called the North American colonies, which, would all be lost, if the system of this bill did not succeed entirely. Now, the papers which had been produced, and the discussion which had taken place last week before their Lordships, all tended to throw light upon the mode in which the opinion of the legislature of Upper Canada had been obtained; and he looked upon that as an additional reason for her Majesty's Ministers to pause a little, and to give themselves time for consideration before they attempted to hurry this measure through the House. He had stated to their Lordships on a former evening the effect produced in the legislature of Upper Canada by the publication of a despatch from the Secretary of State, Lord John Russell, to the Lieutenant Governor of Upper Canada, Sir G. Arthur, which was dated the 16th of October, 1839. It was rather a curious circumstance, that the despatch of the 14th of October, which ought to have been sent out with the despatch of the 16th of October, was not published at that time, and he believed, that he might venture to say, from the answer which he had received from the noble Viscount opposite, that the despatch of the 14th of October had never been published at all. He had a paper which showed that the contents of that despatch were known in Upper Canada merely by the receipt of the intelligence from England that that despatch had been laid on the Table of the House of Commons. Well, what happened? This despatch of the 14th of October, which was intended to govern the disposal of the colonial patronage from that time forward, which was written within two days of the despatch relating to the local responsibility of the Government, and which entirely neglected that principle, on the part of her Majesty's Ministers, and declared, that it never should be adopted, in his opinion with great wisdom and propriety —that despatch, he said, had never been published at all, while the despatch of the 16th of October was published, and the Governor-general said, in writing of the publication of that despatch,

> "It will also be of service to me in my endeavours to explain to those who cry out for responsible government the extent to which her Majesty's Government wished to go in administering these offices in accordance with the wishes of the people."

But the despatch of the 14th of October had been received equally with the despatch of the 16th. Why was not it also published? There the principle was clearly laid down, but the despatch was not to be shown. Why? He would tell their Lordships. They all knew perfectly well that there were two parties in the province of Upper Canada. They knew this from the despatches of Sir F. Head, from the report of Lord Durham, and from numerous despatches besides. One of these parties was called the "Family compact." It was supposed to be the party in office, and was called the "Tory" party, a party which was most undoubtedly loyal to the Government, and which had enabled Sir F. Head by its assistance to expel the rebels from the colony, and drive back the foreign enemy. This was the party which was to be affected by the arrangement in the despatch of the 16th of October. He begged to observe, that he threw no blame upon this arrangement. He only blamed them for the period at which the publication took place. He maintained, that it was not fair to publish it at that period. The consequence was, that the people of this country did not get a fair opportunity of ascertaining the true opinion of the legislature of Upper Canada on the subject of that union. The despatch of the 14th of October was not published, because there was another party in that province called "Republican," which was composed in a great part of refugees from the United States, and from this country. This party was in favour of republican institutions, and responsible government. It was this party which had hoisted Lord Durham's flag, and cried out for "Durham and local responsible government." That party, as opposed to the other, which he had before described, would have known what to reckon on, if the despatch of the 14th of October had been published, and would not have been so warmly disposed in favour of the union of the two provinces, had that despatch been published. To influence those who were in office, and conciliate them as much as possible, another despatch was written, but all knowledge of it was concealed from the Republican party, because it would have informed them that they were not in reality to have a responsible local government. The noble Lord, the Secretary for the Colonies, had declared this distinctly enough in his place in Parliament, but the effect of this was nothing as compared with the declaration contained in one of his official despatches. If the Governor-general wanted to put down the cry for "local responsible government," why did he not publish that despatch of the 14th at the same time as the despatch of the 16th of October? Up to the 21st of January nothing whatever was known of it. On that day Mr. Poulett Thomson wrote :—

"I have the honour to forward to you the accompanying copies of addresses received by me on the 13th of December, together with my answer of the 14th of January. It appears to me to be extremely unadvisable to excite the public mind, by making any formal communication on the matter."

The matter here alluded to was "local responsible government." "The opinion of her Majesty's Government is well understood respecting it, and generally acquiesced in." Here was the address inclosed :—

"Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial Parliament assembled, pray of your Majesty to inform their House whether any communication has been received from her Majesty's Secretary for the Colonies, with regard to a responsible Government, as recommended in the report of Earl Durham; and if any such has been received, or anything exist from which the opinion of her Majesty's Government can be collected, that your Majesty will be graciously pleased to cause copies of the same to be transmitted for the information of the House."

The answer was as follows :—

"The Governor-general regrets that it is not in his power to communicate to the House of Assembly any despatches on the subject referred to."

The despatches both of the 14th and the 16th being in his pocket at the time. He would simply ask of their Lordships whether this transaction was a fair one—whether these despatches, having both been in existence at the time, a proper influence had been exercised in respect either of the legislature or of the people of Upper Canada generally? The despatch of the 16th of October was understood to be a despatch distinctly in favour of local responsible government. It was so understood in Nova Scotia, where the Assembly went immediately, and demanded from the Governor the dismissal of his Executive Council. They even went further, and advised her Majesty to dismiss that hon. and gallant Gentleman from her service, because he declined to take the course prescribed. The same experiment had been tried in New Brunswick and Prince Edward's Island. Wherever the despatch of the 16th of October was forwarded without the check of the despatch of the 14th of the same month, it necessarily created the demand for local responsible government. In fact, the inhabitants of these colonies seemed disposed to take the authority into their own hands. He would finish by entreating his noble Friend not to press his motion on the House. He was thoroughly convinced, that happen what might, it was absolutely necessary that this bill should be thoroughly discussed, that the House and the public should understand clearly on what ground they stood in regard to this measure, that it should be fully considered in Committee, and that such amendments should be adopted as her Majesty's Government might think proper to introduce into the bill. After this, if his noble Friend chose to propose his amendments, it would be for their Lordships to consider whether they would adopt them. He entreated their Lordships not to reject this bill if her Majesty's Government persevered in calling on them to pass it. He recommended to them to consider well the opinions of others in another place, of those who had administered the government of the colonies in question, and not to take his opinion, or the opinions of men who, whatever they might know of subjects like this in general, or of this subject in particular, by consulting the returns, could not at all compare, in their knowledge of it, with those who had acquired their acquaintance with the country on the spot. He had shown their Lordships what a serious responsibility would fall on her Majesty's Government, if his suspicions as to this despatch were well founded. If they persevered, under such circumstances, they must be perfectly certain of the success of the measure. But what he earnestly recommended to her Majesty's Ministers was, to take upon themselves the power of suspending the operation of the measure for one or two years, in case such suspension should become necessary. Within the present week intelligence had reached them of hostilities being threatened again on the frontier. A steam vessel had been blown up in one of the American ports on the St. Lawrence by what was called an "infernal machine." As long as anything of this description continued, let them consider how extremely awkward their position would be. They would be unable to carry this scheme into execution, and at the same time would have no legal power whatever to govern the Lower Province.

Viscount *Melbourne* observed, that

though this bill, and the general project for the union of the two provinces of Canada had received a pretty full discussion on the second reading, yet there was no necessity for the noble Lord to say anything of an apologetic nature for the course which he had pursued on the present occasion. If maturer reflection, or if anything which had occurred since the period of the second reading, had induced the noble Lord to change or modify his opinion as to the merits of the bill, nothing could be more becoming than that he should take the next opportunity to state the course which he had determined to pursue. And as the apology offered by the noble Lord was not needed, neither was his repudiation, at the close of his speech, of the idea that he was influenced by party spirit necessary. The noble Lord had not only referred to the speeches of the noble Duke opposite, and other noble Lords, in the debate on the second reading, in reprobation of the bill, but the noble Lord had done him the honour to refer to some observations which he had made in the course of his opening statement, and founded his objection not on that statement, but on his manner in opening the debate, which he alleged to have shown a want of confidence in the measure, and to have proved, that he did not feel as strongly convinced that it was absolutely necessary for the welfare of these colonies as a Minister of the Crown ought to feel in introducing such a measure. Now he begged leave to state in reply, that he introduced the bill with that doubt which every human being must feel as to a measure of this magnitude. He should hold it monstrous presumption to say, that he entertained no doubt as to the operation of the measure. But this he would declare, that considering all the circumstances of the case, the state of the country, the position of parties, he did in his conscience believe, that the measure was absolutely necessary, and that the sooner their Lordships adopted it the more likely would it be to be productive of beneficial results. To this he would add, that the fewer expressions of fear they indulged in as to a measure like this, which they were about to adopt, the more likely it was to be ultimately successful. They might thus save what they conceived to be their own credit, but with material injury to the object in view, and detriment to the country. The noble Lord had alluded to some observations which he had made on a former occasion, to which he attached the construction, that he was somewhat indifferent as to the retention of these colonies. Nothing could be further from his real opinion. All that he had meant in referring to former events of a similar character was to show, that by internal discord and dissention, and by violent condemnatory speeches in Parliament, former conflicts had led to disastrous conclusions, and he had warned their Lordships against the repetition of such conduct. He meant also to state, what he afterwards observed, that from all her former losses this country had recovered with wonderful force, astonishing energy, and with velocity almost incredible. Yet, wonderful as had been her recovery on those occasions, they were not to derive inactivity for the present from a recurrence to the past. He had wished to warn their Lordships that similar results might again arise, and he had, therefore, entreated them to throw off party feeling, and thus avoid evils which might even be more fatal than those of former times. The noble Lord had also misstated what he had said in another respect. It was impossible he could have stated, that the general principle of Government to be established in Canada was not a fit subject for the consideration of their Lordships. All he had meant to say was, that the general abstract argument against such a principle might be overruled by the particular circumstances of the case. The noble Lord had certainly delivered a very elaborate and a very able speech, but he rather thought the noble Lord had confined himself to points of inferior importance, and had not sufficiently considered the general bearings of the question, and the condition of the Canadian provinces. The speech of the noble Lord was confined to particular matters, to the opinions of the governors of Canada and others, and to the line of conduct which had been pursued by the Government at home, and by the local Governments. One great objection, however, against this measure had been stated by the noble Lord, and if that objection was good, he should consider it fatal. The noble Lord had said, "This cannot be a just measure." He would answer, "It can be a just measure." He would say, that this measure was just and fair upon the whole, and he would add, that if it could not be shown to be consistent with the principles of justice, it ought to be entirely rejected. He himself, as well as those with whom he acted in the Government, sincerely deprecated the principle of pretending with a show of openness to give a fair constitution, when they were in reality giving one of exclusiveness. That was a course he had always deprecated, and to which he had always avowed his hostility. But considering the relative position of the Canadas — considering their population, and considering also their varied characteristics, this he must say was as fair an arrangement as to representation as could, in his opinion, be devised; and he was persuaded that it was only by a measure of this kind and of this character that constitutional Government could be restored in Lower Canada. That was one of the strongest reasons which had induced the Government to propose, and the Imperial Parliament to adopt, this measure. The noble Lord had quoted the opinions of the different governors of Canada. He had quoted the opinion of Sir P. Maitland, which he believed was generally unfavourable to an union, but he did not think that the opinion of Sir P. Maitland on the point at issue was supported by much reason or argument. The noble Lord had then quoted the opinion of a very lively writer, and that gentleman said in his usual lively style that this union was "like uniting tainted and fresh meat." That was evidently a metaphor, and there was not, as their Lordships would allow, much of argument or of resemblance between the objects in the comparison which was drawn. But the same Gentleman went on to say, that if this measure were adopted they would infuse into the General Assembly, to be established, an inveterate host of French Canadians, but unless they admitted the French Canadians into the Assembly they would leave that people entirely without representation, which he could not consider either wise or just. The hon. Gentleman to whom he alluded would not wish, he was sure, to restore the Assembly as it existed before the rebellion broke out, and he contended, therefore, that there was no alternative, unless they retained the present Government, which no one approved of, and which all thought should terminate as soon as possible, but to resort to a measure of this description. The reason upon which Sir F. Head's opinion was founded was, he must say, in his opinion, worth very little. It was indeed strange to observe that no reason was given for the formation of any of the opinions which the noble Lord had quoted. The noble Lord had mentioned the name of the Bishop of Toronto, and as to Mr. Hagerman, the noble Lord had merely said, that it was the opinion of that gentleman that this measure would place the connexion between the Canadas and the mother country in danger. But there was no one reason advanced in support of that opinion, and indeed he had not heard one word uttered in the course of those debates which went to show, that the connexion between the two countries would be weakened by the operation of this bill. There might be arguments for holding such opinions, and he could make such arguments himself, but he had not yet heard one stated by any one who had spoken upon the subject, or who had delivered their opinions upon the measure before the House. The noble Lord had also quoted from a long paper which had been published by Sir F. Head, and which the noble Lord said that gentleman had written at his request. He had no doubt Sir F. Head had very willingly done so, as that gentleman, he believed, would be very glad to write such a paper at anybody's request. The paper which had been published by Sir F. Head had furnished the noble Lord with a sort of brief, from which he had made large quotations. In that paper Sir F. Head spoke of filing bills of discovery against every Government which had existed for many years, and other things of a similar kind. There was, however, one assertion to which he wished to call their Lordships' attention, which was, that Sir G. Arthur's Executive Council had given an opinion against the union. He believed that was not the case, for the only report which that body had made upon the subject had reference to the propriety or impropriety of dissolving the present Assembly, in which report the union was, but only in a collateral manner, alluded to. The Executive Council had, however, after full consideration, come to the conclusion that it would be unwise to dissolve the House of Assembly. The noble Lord, after having stated the authorities against this measure went on to consider what the authorities were in favour of the bill. In so doing the noble Lord had made an observation on Lord Durham's report, to the effect, that it was an expensive document, as it was all which they had gotten for a million of money. He did not know what the noble Lord meant by that observation, but he supposed the noble Lord intended to say that such was the expense of a whole year, for it would be very unfair to attribute any but a very small portion of that sum as the expenses of Lord Durham. The noble Lord had stated the opinions of Sir P. Maitland, Sir G. Arthur, Sir F. Head, and of Chief Justice Robinson and others, in regard to the report of Lord Durham. There were unquestionably many things in that report which he did not praise, and which he did not think were prudent matters to be brought forward, and which he thought it would have been wiser to have omitted, and he therefore did not say, that that report was an impartial authority; but, at the same time, he must add, that it contained much which was of very great value, and which was well deserving of consideration and attention. The noble Lord had attacked the authority of the Legislative Council of Lower Canada and the Legislature of Upper Canada, but the noble Lord could not deny, that the opinion of those bodies had been pronounced in favour of this measure, but then the noble Lord said that that opinion, under the circumstances, was not an honest one. That was strong language to make use of, considering the body in regard to whom it was spoken. The members of those bodies must be respectable persons, and they were the very persons to whom the Government had been committed, and to whom it must in future be committed, and he could not therefore help saying, that the noble Lord had made use of strong language when he said, that the opinion of those bodies was not an honest opinion. It was strong language, to say, that taking into consideration all that might be advanced in support of an union—that on being told the Queen was favourable to the measure—that Sir Robert Peel approved and supported it—that they would derive great pecuniary advantages under this bill—that if they did not vote in favour of it they would lose their offices, under the despatch which had been sent out by his noble Friend the Secretary for the Colonies—it was, he must say, going a great way, and expressing but a low opinion of those persons, of their power of resisting Court influence, and of the energy and strength of their characters, to say, that by such considerations they would be debarred from acting with probity, and that their opinion was not an honest one. He was sure their Lordships would not think that the authority of the opinion which those persons had expressed, was in the slightest degree impaired by the statements of the noble Lord—though in some degree, similar to those of the noble Duke opposite. A despatch went from the Colonial-office, his noble Friend at the head of that department thinking that more frequent changes ought to be introduced amongst the officers of the Government, and they were now to be told, that the Legislature of Canada on receiving that despatch, and on being informed that they might, under certain circumstances, lose their offices, could not give an honest opinion on a matter of this importance. Such a statement was a libel on their own Legislature. What would their Lordships say to that? If all probity and honesty in the Legislative Council was to be overthrown by such a despatch as he had alluded to, how, he would ask, could their Lordships place any confidence in their own decisions or in the decisions of the other House of Parliament, for many Members of both Houses held offices under the Crown? It was impossible that they could do so. The argument of the noble Lord, was the argument of the most violent Radicals of this country, who made on every vote of either House of Parliament similar observations. They found it every day asserted, that on every division of that House or of the other House of Parliament, so many persons voted for or against a measure for fear of losing their offices, or from being under Court influence, and lists of those so voting were every day published. In fact, the argument of the noble Lord and of the noble Duke, in reference to the Legislative Council, was the argument of the Radicals of this country. He contended, that there was nothing in this argument of the noble Lord, which could in any respect impeach the authority on which this measure was recommended. It was not his intention to go into the general argument in favour of this measure, or to reurge upon their Lordships what had been stated in a former debate. He thought this measure was absolutely necessary, and that it was the best which, under all circumstances they could adopt. He would not say, that this was a dangerous measure, because he thought it ought to be adopted, and he was therefore not willing to make use of any observations which could impair its efficacy or render it more difficult to carry it into operation than it would otherwise be. He did not believe, that it would endanger the connexion between Canada and the mother country—a connexion which he was as anxious to preserve as any of their Lordships. The noble Lord had said, that some one had stated, that if something was not done by the Legislature, the connexion between the two countries could not continue for six months. That was not his opinion, and he had never uttered anything of the kind. It was, however, the universal opinion in this country, and one which had been most strongly expressed in the other House of Parliament, and to which much weight had been attached, and in his opinion wisely, by the noble Duke opposite. It was also the opinion which prevailed in Canada, and he was perfectly sure, that it would be neither wise nor prudent to maintain for any length of time the present Government in Lower Canada. The noble Duke had recommended delay. He was sure, however, that their Lordships must feel that it was of the highest importance that this country should act in this matter with firmness and resolution; that they should present an united and decided front to the people of Canada, and anything like disunion at home—anything like hesitation, irresolution, or doubt, must have the effect of exciting opposition to this measure in the colony, and of rendering its ultimate success more uncertain and problematical. All popular governments were subject to vicissitudes. They were subject to irresolution, to change, to bursts of violence, and to act under the impulse of passion, and where they had a popular Government in the two countries, both at home and in the colony, all those evils would be redoubled, and it was therefore necessary to show to Canada, that under every circumstance she would not be subject to, or suffer by, the changes which might take place at home, and that, under all circumstances, her interests would be considered with calmness, impartiality, and fairness. He would, therefore, say, that if this measure was to be adopted, the sooner it passed the better, and the less doubt and hesitation which attended its passing, so much more likely would be the chance of its ultimate success. He did not then know what the fact was, with respect to the publication of the despatch to which the noble Duke had alluded. He thought, however, it was probable that the first despatch mentioned, had not been published in Upper Canada. He was not aware of the fact at that time, but he would make inquiry into the subject, and, although he wished this measure to pass with as little delay as possible, yet he was most happy to hear the noble Duke opposite state, that its details ought to be fully considered in Committee, more particularly as there were many parts of the bill which, though of minor importance, were essentially necessary to the working of the measure, but which might have escaped observation in the general debates, and which could be altered or explained on the fitting occasion. The noble Duke thought of nothing but of the effect which he considered the Government wished to produce on the Assembly, and if the despatch alluded to was not published, he thought it might be because of the effect it was likely to have had on those Members of that body who were favourable to responsible government. The Governor, however, might have had other reasons, and he might have thought it wise and prudent not to publish the despatch, for there were many circumstances which might have induced him to withhold it for a time. All the principal part of that despatch had also been stated fully in the other House of Parliament. His noble Friend the Secretary for the Colonies had stated in Parliament all the material parts of the despatch, and the reports of that speech must have arrived in Canada before the opinion of the Assembly was given. [The Duke of *Wellington:* Will the noble Viscount refer to dates?] He did not know the date of the speech of his noble Friend. He thought, however, that the report of that speech must have been in Canada by the 16th of October, when the despatch was written. His noble Friend, when asked to produce that despatch, had stated, that it was not in his power to do so, but he had not said that no such despatch existed; he had only considered that it would not be prudent to produce it at that time, having due regard to the interests of the country. He would not trouble their Lordships further, and he should only remark, in conclusion, that the noble Lord, who had certainly made a very able speech, had, notwithstanding, in his opinion, laid no grounds for the motion which he had submitted to their Lordships.

The Earl of *Wicklow* observed, that during the two debates upon this subject in their Lordships' House, he had not heard, with the exception of two of her Majesty's Ministers, who were the framers of this measure, any other noble Lord address their Lordships, who had not expressed his decided opinion that this bill would be attended with imminent danger to, if not with the absolute loss of, our Canadian possessions. When he heard the noble Baron on the cross bench (Lord Seaton), who was so intimately acquainted with the subject, declare that no application had been made to him or to any of the other authorities in Canada previous to the introduction of this bill—when he heard the noble Earl opposite (Gosford) on a former evening say that he was strongly opposed to the bill—and when he heard the noble Viscount (Melbourne) express doubts as to the result of the bill, he thought he had a right to assume that the noble Viscount had very considerably inculpated himself, and that he ought not have introduced a bill of this kind without having first got all the information which he could have procured upon the subject. If this were a good bill, he must congratulate their Lordships and the country on the fortunate circumstance that the bill of last year was not passed. That bill was founded upon the recommendations of Lord Durham, who went to Canada with certain feelings and prejudices, and upon those feelings and prejudices his report was made. Mr. P. Thomson, in his suggestions to Lord J. Russell, condemned the proposed measures of Lord Durham as incorporated into the bill of last year, and stated, that upon consulting the best authorities in the country, he had not found one who did not disapprove of those measures. If the present bill were a good one, and the opinions of Mr. P. Thomson were correct, then was it a fortunate thing for the country that the bill of last year was not passed. The noble Viscount said, that if this bill were to pass, it was important it should pass immediately. Now, by the bill of last year, the union of the Canadas was not to come into operation till 1842. Again, in the bill of Lord Durham, the members of the Legislative Council were to be retained for only eight years—a principle which Mr. P. Thomson condemned—so that if that bill were founded upon just principles, the principles of this bill must be bad. Lord Durham's bill likewise proposed to cut the electoral district into new forms—a proposition which Mr. P. Thomson said every individual in Canada whom he had heard speak upon the subject condemned. Looking at this, and recollecting the slight experience which either Lord Durham or Mr. P. Thomson had had, might they not expect, if another person in the confidence of her Majesty's Ministers were sent out to govern those colonies, that a third measure would be produced better than either of those two? At all events, they had no security that this was a good measure. The noble Viscount opposite said, that he had heard no arguments from those who opposed the union of the two provinces against that step. Now, he thought it was enough that those individuals who were the best informed upon the subject, he alluded to the noble Baron on the cross bench, the noble Earl opposite, and to every individual of influence in the colony—he thought it enough that they should be of opinion that the union of the Canadas would be attended with danger to induce the noble Viscount to pause before he pressed this bill upon their Lordships. He would also say, that if no argument had been adduced to prove that the union of the provinces was a bad measure, no argument had been advanced to prove the contrary. All the noble Viscount said was, that he entertained doubts upon the subject. He apprehended danger from this bill, because he thought it a measure of gross injustice to the French Canadians, the professed object of it being to prevent them from renewing their own Assembly, and to unite them with another body, by whom they would be overruled. The Government was therefore professing to give to the French Canadians liberal institutions, while they were really binding them hand and foot. The fact of this bill uniting people who were so different in point of taste, habits, customs, religion, and general feelings, at once proved its inaptitude for any good, and, in his opinion, could only have the effect of exciting animosities, ill-will, quarrels, and finally rebellion. He thought that these countries would be better governed if each were allowed to have a separate legislature, and to manage its own affairs; at least that they should be allowed to settle down before their Lordships proceeded with a measure of this kind. If they left Lower Canada under the existing government for a few years longer they would possibly find it advisable to restore the legislature of that country. Let them do that—let them apply the principle to Lower Canada which they had already found so successful in the case of Jamaica, and he had no doubt that the result would be the perfect re-establishment of harmony and peace.

The Earl of *Gosford* wished to state, in consequence of what had fallen from the noble Earl who had just sat down, that the reasons assigned by those noble Lords who opposed this bill for opposing it, were not those by which he was induced to oppose it. Many of those reasons appeared to him to be rather in favour than against the present bill; but his reason for opposing it was, that the principle of it, from beginning to end, was founded upon misrepresentation; that it was, on that account, likely to be attended with gross injustice, and would, he feared, prove an indelible blot on the Legislature of this country.

The Marquess of *Normanby* said, that the noble Earl opposite, in stating that, with the exception of two Ministers of the Crown, every noble Lord who had spoken on the subject had opposed this bill, seemed to have forgotten that there was a great preponderance of opinion in its favour, both in that and the other House of Parliament, in the country, and also in the two Provinces which it more immediately affected. The noble Lord admitted he had no arguments to advance against it, and to justify his opposition to it, appealed to the opinion which had been expressed by the noble Lord on the cross bench. Now, surely, the noble Earl could not have listened to the speech of that noble Lord, or he would have observed that if ever a decided opinion had been expressed by any one acquainted with the condition of those Provinces as to the course which ought to be taken respecting them, that opinion had come from the noble Lord. He begged that their Lordships would consider the weight of authority in favour of this measure. There was, in the first place, the Legislative Council of the Lower Province, many of whom had been appointed by the noble Lord on the cross bench (Lord Seaton). There were the English merchants here, together with the House of Assembly in Upper Canada, which had been called together by Sir Francis Head, and to which so much praise had been properly given. What were the authorities against the measure? It was true it had been opposed by former governors, but it should be remembered, that these had been resident in the Colonies before the recent events. Such authorities, together with the natural impatience of the present arbitrary government, which the English residents must feel, were well worthy of consideration. As no other course was proposed, why should their Lordships not accede to that now before the House, and which was in his opinion, under all the circumstances of the case, a just and equitable adjustment? Whatever might be the danger which some noble Lords might see in this measure, it would, at least, secure the great advantages of commercial freedom to the Upper Province and constitutional government to the Lower.

The Earl of *Hardwicke* felt himself placed in a painful situation in not being able to comply with the request of his noble Friend (the Duke of Wellington). He felt himself bound to pursue the course which in his conscience he felt was the right one, and to follow the example which the noble Duke himself had set in adhering to that line of conduct which duty prompted, in spite of any opposition which might be offered.

Their Lordships divided on the original question—Contents 107; Not-Contents 10: Majority 97.

House in Committee.

Clauses of the bill agreed to with a verbal amendment. House resumed. Report to be received.

HOUSE OF COMMONS,

Tuesday, July 7, 1840.

MINUTES.] Bills. Read a first time:—Apothecaries Hall (Dublin); Population (Ireland); Prisons (Ireland); Insolvent Debtors (Ireland); Assessed Taxes Composition; Court of Exchequer (Ireland).—Read a third time:—Episcopal Church (Scotland).

Petitions presented. By Mr. Williams, Mr. Easthope, and other Members, from a number of places, for the Immediate Abolition of Church Rates.—By Viscount Sandon, from a Baptist Congregation, against the Opium War with China; and from Boatmen of the Trent and Mersey Canal Company, for a better Observance of the Lord's Day.—By Mr. Grimsditch, from Leddington, and other places in Derbyshire, against the Canal Carriers Bill.—By Mr. William Roche, from Medical Practitioners of Limerick, for Remuneration for Professional Attendance in Courts of Justice.—By Mr. Greene, from Bolton, and other places in Lancashire, against the powers of the Poor-law Commissioners.—By Mr. C. B. Hamilton, from the Headington Union, to dispense with the services of the Assistant Poor-law Commissioners.—By Mr. Wakley, from Lincoln, Stepney, and other places, against the Copyright Bill; from the Committee of the Working Men's Association of St. Andrew's, and from Nottingham, for the Release of Mr. Feargus O'Connor; from a Public Meeting at Dunfermline, for the Pardon of all persons convicted of Political Offences; and from Medical Practitioners, for Medical Reform.—By Colonel Salwey, from a Gas Company of Ludlow, against the Rating of Stock in Trade Bill.—By Mr. O'Connell, from Physicians and Surgeons of the north of Ireland, for Reform of the Apothecaries' Company of Dublin; and from the Victuallers of Dublin, for Justice to Ireland.—By Mr. Sergeant Jackson, from different parts of Ireland, against the National system of Education.—By Sir James Graham, from the Manchester and Leeds Railway, against the Canal Carriers' Bill.—By Colonel Conolly, from Armagh, against the Poor-law Commissioners in Ireland.—By Mr. Hume, from the House of Assembly of Prince Edward's Island, against Unequal Taxation; from Aylesbury, Middlesex, Wick, and other places, against the Copyright Bill; from St. Andrew's, for Universal Suffrage, Vote by Ballot, and Annual Parliaments; and from Montrose, to alter the Laws with respect to Political Offenders.—By Mr. Gillon, from 400 Congregations at Edinburgh, against Church Extension.—By Sir R. Peel, from Southend, in favour of the Church of Scotland Benefices Bill.—By Mr. Scrope, from the Proprietors of the Great Western Railway, against the Railways Bill.—By Viscount Morpeth, from places in the West Riding of Yorkshire, against Church Extension.—By Mr. Leader, from Bath, for Extension of the Suffrage, for the Discharge of Feargus O'Connor, and complaining of the conduct of certain Magistrates.—By Mr. Baines, from the Grand Junction Railway, and from the Leeds and Selby Railway, against the Railways Bill.

NEW ZEALAND.] Lord *Eliot* said, the petition to which he was about to call the attention of the House, agreeably to his notice, was from the merchants, bankers, and shipowners, of the city of London, respecting the colonization of New Zealand; and embodying, as it did, the opinion of so large, so respectable, and so enlightened a body of men on a subject of such great importance, it appeared to him to be deserving of the serious consideration of the House. He regretted that the subject had not been taken up by some hon. Member whose talents and whose position in the House might enable him to do more justice to the subject than he (Lord Eliot) was able to do; but, concurring as he did in the views of the petitioners, he thought it right to acquiesce in their wish that he should bring the matter under the consideration of the House. It was not necessary for him to expatiate on the general subject of emigration; it had been so often brought forward in this House, and the general principle had been so universally acknowledged, that he should only advert to it in passing. A right hon. Friend of his, no longer a Member of that House, Sir R. W. Horton—had devoted much of his time to the consideration of this subject, and had succeeded in producing a strong impression on the public mind. Meetings had been held in almost all the large towns in this country, expressing the opinions of the working classes that it was impossible for them, with the increasing state of the population, and the great improvements that were daily being made in machinery, to obtain sufficient employment for the support of themselves and their families: and not longer than two or three days ago a copy of a memorial from the working men of Paisley to the noble Lord, the Secretary for the Colonies had come under his notice, in which they said—

"That it has been a subject of the deepest and most anxious consideration with the memorialists what mode to adopt, or course to pursue, whereby they might have an opportunity of turning their industry to better account, and improving their condition. That they are satisfied (whatever might be the effect of a repeal of the Corn-laws, or of an extension of political privileges), that amongst the weaving population, at least, in consequence of the daily increase of their numbers, and extension of mechanical power and ingenuity, the labour market is greatly over-supplied in proportion to the demand; and the memorialists can see no immediate, effectual, or practical remedy for the distress existing amongst them, except by transferring their industry to some one or other of our colonial possessions, where land is cheap and labour dear, and where the most urgent demand for labour exists, and where by industry and sobriety they will be sure of a comfortable subsistence for themselves and families, rather than by remaining at home, inevitably to sink into the condition of paupers and become dependent on the parish poor's funds for their daily bread."

He rejoiced to find that those sentiments were becoming general amongst the operative classes of this community. With regard to the principle of colonization, which had been so ably developed by Mr. Wakefield, he would observe, that the experiment of a colony conducted on such a principle had been tried with perfect success in South Australia; and he could wish that the noble Lord would follow the same course in regard to the colony of New Zealand. The evidence which had been given before the Lords' Committee, made it quite unnecessary for him to state to the House the peculiar advantages which New Zealand offered, from the fertility of its soil and the salubrity of its climate, as well as in other respects, to settlers from this country; and the publication of that evidence had had the effect of inducing a large number of persons to proceed to that colony. There were only two questions to which he should call the attention of the House; and they were, first, the right of this country to occupy or claim the sovereignty of those islands; and, secondly, as to the best mode of establishing British colonies in them. He would not fatigue the House by entering into the historical details of the manner in which those islands first became known to Europeans, but he would just state that he believed there was no doubt that Tasman was the first person who touched upon those shores, but that it was reserved to Captain Cook to plant there for the first time the flag of a civilized state. That was in the year 1769 or 1770, and those islands were then taken possession of in the name of his Majesty King George 3rd, with the accustomed formalities. He, therefore, thought we had the same title to the possession of New Zealand as we had to a great part of our colonial empire, and more especially to our South Australian possessions; and, if the Government thought fit to disclaim what he thought was a just claim to the Government of New Zealand, then they had in his opinion no right to retain the sovereignty of the other parts of the South Australian Islands. He believed that, down to 1829, there had been no doubt whatever on the part of the Colonial Secretary of State as to that right. It was in 1814, that Governor Macquarrie, the Governor of New South Wales, issued a commission of *dedimus potestatem* to various inhabitants of New Zealand, some of whom were natives and others British settlers, and he believed that other commissions of a similar nature were issued by the Governor of New South Wales in 1819, without any objection, as far as he could learn, being made to that proceeding; so that he was bound to consider that it was assented to by the Government here. He would read a short extract from a letter of Lord Glenelg, who was then Secretary of State, which was dated in December, 1837:—

"The intelligence which his Majesty's Government has received from the most recent and authentic sources justifies the conclusion that it is an indispensable duty, in reference both to the natives and to British interests, to interpose by some effective authority to put a stop to the evils and dangers to which all those interests are exposed in consequence of the manner in which the intercourse of foreigners with those islands is now carried on."

Now, it was rather a remarkable fact, that notwithstanding the strong opinion which was there expressed by the noble Lord, then at the head of the Colonial Government, that no steps were taken until the winter of 1839, and that it was not until 1839, that Captain Hobson was despatched to New Zealand by her Majesty's Government. But it would be remembered, that in these papers and in the subsequent despatches the argument was not started, nor was any doubt expressed as to the right of the British Crown to the sovereignty of New Zealand. He might, he thought, also state the authority of the noble Lord, the present Secretary for the Colonies, who, in his instructions to the land commissioners, in January, last, said—

"Thus it appears that the Australian colonies must be the principal field for your operations. Even here, however, it will probably be found that in Van Diemen's Land the great amount of available land has already been granted. But New Holland, and probably New Zealand, contain districts which it is not possible to exhaust by any rational scheme of colonization for a long course of years."

It therefore clearly appeared that up to January, 1840, the Government had no doubt of the kind. The result of the disclaimer on the part of the Colonial Department in this country had been to invite the attention of foreign states to this derelict colony, which was thus abandoned by the noble Lord. This was an important part of the subject, and he trusted that he should approach it with proper delicacy. No one could be less disposed than himself to undervalue the French alliance; he entertained feelings of respect, of good will, and of admiration for the French nation, and considered the alliance between France and England as the surest guarantee of the peace of the world. He should, therefore, be the last person to say anything likely to endanger the continuance of the friendly relations between the two countries. It was because he was desirous that the alliance should continue that he was anxious to avoid the possibility of any collision arising. Although great harmony prevailed between the Governments, and, as he really believed, between the people of England and France, yet it could not be denied that there existed a great tendency to jealousy and suspicion as regarded the interests of the two countries in different parts of the world. This had proved to be the case with respect to India and Canada. If it were true, then, as he believed, that the juxta-position of settlements from the two nations led to quarrels and collisions, it was clear that nothing would have a greater tendency to endanger the peaceful relations which existed between the two Governments at home. It was understood that settlers were about to proceed from France to the southern island of New Zealand. This was the island which Captain Hobson represented as being inhabited by persons in a savage state, and incapable, from ignorance, of entering into any treaty; and he recommended the assertion, on the ground of discovery, of Her Majesty's sovereign rights over the island—a recommendation of which Lord Normanby appeared to approve. Now, if it were true that French settlers were proceeding to this island, the noble Lord opposite would have caused all the consequences which would shortly arise from such a state of things. The noble Lord denied the right of the Crown to claim the sole and exclusive sovereignty of these islands. He would read a passage from a work of a distinguished American lawyer, which appeared very applicable to the subject now before the House. It was in *Chancellor Kent's Commentaries*, and the author was speaking, not so much of the practice of America at present, as of that pursued by all European nations:

> "On the discovery of this continent by the nations of Europe, the discovery was considered to have given to the Government, by whose subjects or authority it was made, a title to the country, and the sole right of acquiring the soil from the natives as against all other European powers. Each nation claimed the right to regulate for itself, in exclusion of all others, the relations which were to subsist between the discoverer and the Indians. The natives were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own direction, though not to dispose of the soil at their own will, except to the Government claiming the right of pre-emption. The practice of Spain, France, Holland, and England proved the general recognition of this principle of a claim and title to territories given by discovery." "To leave the Indians in possession of the country was to leave the country a wilderness." "The Supreme Court of the United States declared in the case of 'Worcester' that the right given by European discovery was the exclusive right to purchase, but this right was not founded on a denial of the rights of the Indian possessor to sell. Though the right to the soil was claimed to be in the European Government as a necessary consequence of the right of discovery, yet that right was only deemed such in reference to the whites."

Vattel did not place much value on the territorial rights of erratic races of people, who sparely inhabited immense regions and allowed them to remain a wilderness, because their occupation was war, and who drew their subsistence chiefly from the forest. He observed,

> "That the cultivation of the soil was an obligation imposed by nature on mankind, and that the human race could not well subsist or greatly multiply if savage tribes were entitled to claim and retain all the boundless regions through which they might wander. If such a people would usurp more territory than they could subdue and cultivate, they had no right to complain if a nation of cultivators put in a claim for a part, and confined the natives in their narrower limits."

The same author alluded to the establishment of European colonies in North America as being, in his opinion, entirely lawful; and he extolled the moderation of William Penn and the first settlers in New England, who were understood to have fairly purchased of the natives from time to time the lands they wished to colonize. The Government of the United States had never insisted on any other claim to the Indian lands than the right of pre-emption. Now New Zealand was 800 miles long and 100 miles broad, and the whole population of the two islands was 150,000 or 160,000, consequently the opinions to which he had referred, of Chancellor Kent and Vattel, were entirely applicable. Various statements had been published to show the lamentable state of New Zealand in point of morality. For some years past it had been the rendezvous of the South Sea whale ships, and had been the resort of runaway convicts from the penal colonies and of sailors who had deserted their ships, so that bad men were without restraint and good men without protection. This was a state of things which called for the interposition of the noble Lord, not only for the sake of the emigrant population, which now amounted to from

4,000 to 5,000, but for the sake of the unfortunate aborigines, who were exposed to all the evils which a population so composed would inflict upon them, and the treatment which they experienced must necessarily produce a general distrust of the whole white race. The noble Lord, the Secretary for the Colonies, had in one part of the correspondence disclaimed altogether on the part of this country the sovereignty of New Zealand, and said that the law did not recognize as valid even the title to lands already acquired by the subjects of her Majesty. Now he was at a loss to guess, if the islands of New Zealand were independent states, what authority the noble Lord could have, to say, that the acquisitions of individuals resident there were not legal and binding in that country. The noble Lord had requested him not to press this motion, because news was expected from New Zealand relating to the proceedings of Captain Hobson there; but he had declined complying with the noble Lord's request, because, as his complaint was, that the noble Lord was proceeding on vicious and erroneous principles, no news which might arrive respecting Captain Hobson's proceedings could supersede the necessity of the inquiry which he sought now to institute. One element of the arrangement proposed by the noble Lord was to make New Zealand a dependency of the colony of New South Wales. Now, one consideration which rendered this project very inexpedient was the distance of the two colonies, they being 1,200 miles apart, and the state of the winds frequently rendering the passage of two months duration. Another consideration was, the jealousy and dislike which the two colonies entertained towards each other. The rapid strides which New Zealand had made had excited no small apprehensions in the minds of the colonists of New South Wales. The noble Lord proposed, also, to saddle these colonists with the expense of the colony of New Zealand; to this, of course, they were exceedingly adverse. Nor was the discontent only on the side of New South Wales, for the colonists of New Zealand felt a disinclination to be connected in any way with a penal colony and to be governed by a colony placed at so great a distance from them. By private letters it appeared that Captain Hobson had upon landing issued a proclamation stating, that her Majesty had directed a commission to be appointed to inquire into the validity of the titles of the colonists to the lands which they held. That commission was to be composed of members of the Legislative Council of New South Wales, who were amongst the largest holders of land in New Zealand, and were, consequently, constituted judges to decide upon their own claims. Besides, it was a very doubtful point whether these commissioners would have any right to make an award, and whether appeals might not be made to the Privy Council, so as to try this question. He thought, that under these circumstances, it was the duty of the noble Lord, before he took this step, to come to Parliament for the powers which were requisite for the purpose. Not only was the board of commissioners to be constituted in the manner which he had described, but no principle was laid down for their guidance, nor were any instructions given as to the proof which was to be required. Another part of the noble Lord's plan, if plan it could be called, was that by which the price of land was fixed at 5*s.* an acre. Now, he apprehended that such a price would be found altogether inapplicable to the colony of New Zealand. The price in South Australia was 1*l.*, and in no respect was New Zealand less favourably situated as a colony than South Australia, where 1*l.* was considered as the lowest price which could be adopted consistently with the objects proposed by Mr. Wakefield's principle, of preventing persons from purchasing more land than they could cultivate, and of providing a land fund for the purpose of promoting emigration. Whether this price was proper to be imposed as a condition of sale would be a proper subject of inquiry before the committee which he proposed to appoint. He had brought forward this motion without communication with any party in the House, and he did not at that moment know whether the right hon. Member for Tamworth would think himself justified in supporting the motion. He left the subject in the hands of the House, feeling satisfied that some good must arise from the discussion which he expected to take place. He thought some legislative measure absolutely necessary, and under this impression, he sought for this inquiry, which would enable Parliament to legislate soundly, wisely, and well, upon a subject of very great interest and importance, The noble Lord concluded by moving for a Select Committee to inquire into the statements contained in the petition of the merchants, bankers, and others, of London, presented May 22nd, respecting the colonization of New Zealand.

Lord *John Russell* had stated upon a former occasion to the noble Lord, that he could not see any practical use in appointing a committee upon this subject. It was upon that ground that he should object to the proposed committee, having no other objection than that he could not see how any practical benefit could be derived fromthe inquiry. As to what the Colonial-office had done, he certainly entertained no apprehension on account of any inquiry upon that subject; on the contrary, he felt it would have the effect of doing away with a great number of gross misrepresentations in point of fact, made at various public meetings upon this subject, and which a very slight inquiry would prove to be unfounded. But he did not see how the House could appoint a committee unless some ground were previously laid, upon which inquiry might proceed, and from which some benefit might be derived. He could not throughout the whole of the speech of the noble Lord, perceive any subject of inquiry. All that the noble Lord stated was, that if a committee were appointed, it might probably find some grounds upon which legislation hereafter might proceed. Now, he must say, that for the House to appoint a committee without some definite object in view, but merely for the sake of looking speculatively for some ground of future legislation would be rather a wild species of inquiry. There was one point on which the committee of the House of Lords on the subject of colonization had made a very short report. They stated that:—

> "It appeared to the committee that the extension of the colonial possessions of the Crown was a question, the policy of which belonged exclusively for decision to her Majesty's Government."

The committee of the House of Lords, after a great deal of inquiry came to the opinion that this was a subject which properly belonged to the Crown, and he did not believe, that a committee of the House of Commons could come to any other conclusion. It would be impossible that a committee could point to those parts of the world where colonization might be established, where governors might be sent, or where the English Crown alone could claim a right of possession. The noble Lord had entered into some arguments as to the right of the claim of sovereignty in places discovered by civilized nations, where wild tribes only were the inhabitants, into which, however, he would not follow him. He did not dispute the principle of the passage quoted by the noble Lord from Vattel. On the contrary, he thought the conduct of the British Government had been in entire accordance with the principle so laid down. But, although a right might accrue to the first discoverer, and although of that right one could have little doubt, yet it might be disputed whether the right of sovereignty remained, if the party making the discovery did not avail himself of it for a long series of years. If, then, it appeared that the right which accrued in 1769 was not for a long period after that time asserted and enforced, and if, still more, it, on the contrary, appeared that solemn declarations had been since made, apparently relinquishing, at all events, not confirming, that right, it certainly was necessary that there should be some new title to the possession of any such sovereignty. In 1769, Captain Cook asserted the right of the British Crown to the sovereignty of the Southern Island of New Zealand. In the year 1817 it was recited in an Act of Parliament that there had been murders and other crimes committed in New Zealand, Otaheite, and other Islands, which were not within his Majesty's dominions; and there was a recital in an Act passed in 1824 to the same effect. It had, then, been recited in two solemn Acts of Parliament—by the three separate branches of the Legislature—that New Zealand was a place wherein offences were committed, and which were considered offences committed not in her Majesty's dominions, but in places out of her Majesty's dominions, and a provision was made for trying those offences in places within her Majesty's dominions. Such being the solemn declaration of Parliament, without adverting to what took place in the year 1835, under the directions of the Earl of Ripon, with regard to the recognition of the national flag, could it, he would ask, be considered imperative on the Government, because a number of gentlemen chose to meet in London, and form themselves into a company to carry on operations in New Zealand, to agree at once to assert the British sovereignty over that country? If they did this, it might extend to the asserting of our right of sovereignty over every place that ever had been discovered by British navigators, however long the time that right might have remained unexercised, or whatever navigators of other countries might have done. However, there had existed of late years strong reasons why it was desirable that New Zealand, a great part of it at least, should not be left the prey of a number of persons who were settled there, many of them being convicts escaped from New South Wales and Van Diemen's Land, and producing a state of society, the evils of which were fully stated by Lord Glenelg in his despatch. Then the question was, in what manner, if colonization was to be attempted, and the authority of the British Crown established, that should be effected? While Lord Glenelg held the office of Secretary of State for the colonies, that question was brought under the consideration of the Government in the shape of an application from the company which had been formed in London for colonising New Zealand. That question was a good deal considered by the Government, with a view, if possible, to give its sanction to such a plan, which the Government finally refused. It was afterwards debated in the House of Commons upon a bill brought in upon the subject, but the House likewise refused its sanction. It was a plan to which the strongest and gravest objections might be made. His notion of it was this: colonies might take place in various ways. One way was for persons being themselves emigrants proceeding to a distant country, furnished with a royal charter, and purchasing land from the natives; such as they might conceive (as Vattel said) William Penn so laudably did. Another mode was, to have the colony founded by the sovereign power of the state. The Crown of this country might send out a colony, with a person at their head armed with a commission, as was the case with certain colonies established in North America, and having certain laws prescribed to them by which they were to be bound, and a regular form of government established to which they could submit. Now, in neither of these ways, nor by any modification of these ways (all of which had taken place in the formation of the colonies which had hitherto proceeded from European countries), was it that this colony was proposed to be established. But it was proposed to form a company, which company were not themselves to be armed with the authority of the state, nor were they themselves to emigrate and found a colony by negociating with the inhabitants and making purchases of the land; but it was to be a company having nominally a very great capital in shares, but which capital was not to be wholly paid up. Upon the credit of this supposed capital the land of New Zealand was to be sold by the company to other parties—the company guaranteeing the final purchase of the land from the natives, and thus large profits were to be acquired by the shareholders. There were many persons connected with that company for whom he had great respect, and who perhaps had the best intentions for wishing to form such a colony. But he would call upon the House to consider what a precedent the Government would have established, if in the first instance they had sanctioned such a plan; or what a precedent the House of Commons would have established if they had agreed to the bill that was submitted to them. It would have been a precedent by which any person in future might have said with respect to any country, the natives of which were deficient in strength to compete with Europeans, that they would send out persons there and establish a colony, and make large profits by selling the land, to which they had no right—and who were not to be themselves at the expense of originally founding the colony, nor to be settled as residents in the colony. It would have been a precedent that would have led the way to a species of land piracy all over the globe. The House of Commons rejected a bill upon that subject. At a subsequent period the Government, in taking the subject into consideration, resolved to send a consul to New Zealand; New Zealand having, by the Acts of Parliament he had mentioned, been reckoned a foreign dominion; but the consul was to proceed afterwards in the manner that Vattel declared to be so laudable, and in perfect conformity with the law of nations—namely, if he could, to make an agreement with the natives to purchase their land and territory, and then establish the authority of this country there. Now he had not heard anything to induce him to suppose that the noble Lord (Lord Eliot), objected to that course. The noble Lord read the authority of Vattel to that effect, but he had not found fault with Captain Hobson being sent out with those instructions; therefore he really did not see in this part of the case what it was the noble Lord would complain of. True it was, the noble Lord complained of the instructions given to Captain Hobson as to the right of possession to the land by the settlers there. The noble Lord said that Captain Hobson was to enquire whether the lands were fairly purchased, and he observed that there would be very great difficulty in doing this. He did not consider there would be any difficulty in carrying out this part of the instructions. The noble Lord had also said, that the Crown might resume all these lands on payment of the price originally given for them. Undoubtedly the Crown had, with respect to all its colonies, the general and original right in the land. But when the noble Lord complained of the difficulty and complexity of the plan ordered by the Secretary of State, he (Lord J. Russell) thought that this proposal for taking away the land from the present occupiers on repaying the price of the hatchet, or blanket, or some such trifling thing which they gave for it, would certainly be found much more difficult of accomplishment. Now, the original price was in most instances of very small value, the payment of which would not, he thought, be satisfactory to the settlers. But, in fact, it would have been impracticable to have done any such thing. Captain Hobson's authority would at once have been resisted. What Captain Hobson, therefore, was instructed to do was, to ascertain, if possible, what was the description of title the parties had to the lands they occupied. Another objection made by the noble Lord was, supposing a new colony should be established in New Zealand, the connecting of that colony with New South Wales. He admitted that, if New Zealand should be formed into a colony, it would be right hereafter to separate it from New South Wales, and that it ought not permanently to be a dependent of that colony. The act of Parliament enabled the government to give Captain Hobson authority to inquire as to what institutions were necessary in the first formation of the colony, and it appeared to him better, instead of taking out a person as a new governor for the colony, that they should avail themselves of the authority already existing in that part of the world. It was, however, merely a temporary provision, that the commission was given to Captain Hobson, who was ordered to act under the direction of the governor of New South Wales. The governor of New South Wales had been ordered to give Captain Hobson every aid and assistance, and soon after Captain Hobson's departure a despatch was sent to the governor, directing him to supply a force from New South Wales for the purpose of supporting Captain Hobson's authority. With respect to the persons who had gone to New Zealand under the authority of the New Zealand Company, and had settled themselves there, he conceived there would be very little difficulty after the Company had retracted their first instructions, which were declared to be contrary to law, which the counsel whom they advised with told them that all acts done under those instructions would be void and of no effect, and that any person proceeding under them might be guilty of a grave offence. After this he conceived there would be no difficulty in Captain Hobson and the emigrants, who had settled in New Zealand under the authority of the company, acting in perfect harmony together, they acknowledging (which he thought it would be to their benefit to do, and as they were advised to do) the authority of Captain Hobson as the representative of the Crown, and giving him every assistance and support; while he, on the other hand, was endeavouring to maintain peace and tranquillity, and in the exercise of his authority doing everything he could to promote the progress and interest of the colony. Such being the case, and the expedition, in fact, having gone there under one of her Majesty's officers, in one of her Majesty's ships, and being supported, if necessary, by a military force, and having the powers which he (Lord John Russell) had described, if he should make an agreement with the native chiefs and obtain possession of a part of their territory, he (Lord J. Russell) did not see what further could be done until the Government and the House had received intelligence from him and knew something of his proceedings. The noble Lord might, perhaps, wish to send out instructions to Captain Hobson to resume all the lands now occupied by the settlers. That he thought would create great confusion. He thought where no very unfair or fraudulent bargain had been made, the title to those lands ought to be maintained. The noble Lord complained, and this was a point he, (Lord J. Russell), had almost overlooked, that he had instructed Captain Hobson that the upshot price of land should be *5s.* per acre; but upon that point, as well as many others, the noble Lord was entirely in want of information. The noble Lord had gone entirely upon misinformation. The fact was, that land was originally sold in New South Wales and in Western Australia for *5s.* an acre. Orders were sent out that the price should be 12*s.* an acre. Accounts were received from the governors of those two colonies, and also from the governor of Van Diemen's Land, that there was a great quantity of land set up at *5s.* an acre; in New South Wales there were no less than 300,000 acres, and the governors stated that they did not think it right (the faith of the Government having been pledged) to raise the price to 12*s.* an acre until that portion of the land set up had been sold. It appeared to him, therefore, that if in New South Wales, Van Diemen's Land, and Western Australia, land could be procured at *5s.* an acre, and he should have ordered that no land in New Zealand should be sold for less than 1*l.* an acre, it would, in all probability, create discontent and remonstrance; and that Captain Hobson would have experienced great difficulty in establishing such a regulation. Captain Hobson was therefore instructed to sell the land at *5s.* an acre, until the price in the other colonies should rise to 12*s.*; then he had authority to sell at that price. Since then it had been determined that the price in the other colonies (except New South Wales) should be 1*l.* an acre. When that took place, instructions would be given to Captain Hobson to sell the land at 1*l.* an acre in New Zealand. If, then, a committee should be appointed, and should meet in order to give an opinion that land should not be sold at *5s.* an acre, it would be giving an opinion as to a matter which had already ceased to exist. Upon the whole, he confessed he did not see what advantage was to be gained by a committee of the House upon the subject; for whatever they might devise, might be completely overthrown by the arrival of a despatch the day after the committee made their report. It might be necessary, probably, to legislate upon the subject in the course of next Session, when the House would have the whole subject before them; but with respect to all that was required to be done in detail by Captain Hobson, it seemed to him quite impossible that a committee of the House of Commons could in any way give from time to time proper or practical directions. With regard to the general principle, he did not think there was much difference of opinion, and even with regard to the company, as the noble Lord did not make it any grievance as to the manner in which the Colonial-office had communicated with them, immediately the authority of the government in New Zealand was established, there would at once be an end to all disputes. What he objected to was, that a company in London should send persons into a country, and do those things which it belonged to the Crown to do, which had at all times been considered as the undoubted prerogative of the Crown, and which he was of opinion ought always to be maintained as one of its prerogatives.

Mr. *Mackinnon* did not think the noble Lord had answered the speech of his noble Friend. The colony of South Australia had been established in consequence of a committee of the House of Commons. It would be necessary, even by the noble Lord's admission, to legislate for the formation of the colony in New Zealand, but it was impossible to do so with any prospect of success, without previous inquiry. With respect to the South Australian commission, the noble Lord's letter in September, 1839, to the Lords of the Treasury, stating that there were nine commissioners who expected a salary, was a complete fallacy, for he had himself written to the noble Lord, declining a salary, and three other of the nine commissioners had followed his example.

Mr. *Ward* would support the motion of the noble Lord, because it was the duty of an independent Member to force upon the public a knowledge of the absurdities and difficulties in which we have been placed with respect to colonization, in consequence of the course taken by the colonial officers during the last few years; difficulties from which nothing but an act of Parliament could extricate the country. He had attended the public meetings alluded to by the noble Lord, and he repeated in the House what he had said at these meetings, that looking at the papers now before them, the Government of this country was placed in a discreditable light with reference to foreign powers, and particularly with reference to France, at this very moment, when she was fitting out an expedition. It was not till others had taken up these subjects that the Government made any movement. Then, with respect to the ill-used company which had been referred to, and which had received such harsh treatment, the first step which it took was to apply to the Government—they attended the noble Viscount at the head of the Government, and the noble Lord the Member for Northumberland, and had met with much encouragement. Their bill was revised by Lord Howick, and yet it was opposed. Subsequently other negotiations took place between the Government and the company. The Colonial-office objected to the company because the capital was not paid up; and now that the capital was paid up, even that did not satisfy the Government. He had always understood that from the first moment when the company was started it was intended that the title to the land under the company was to be a *bonâ fide* title. That a large sum was to be paid to the New Zealand chiefs for the purchase of land, which was to be guaranteed to the purchasers. So firm was that belief, that the company had actually sold 120,000 acres of land at £1 an acre. If they required any instance of a necessity for inquiry, this fact would be sufficient; because that number of acres had been actually sold by the company at that price, whilst the Government had sent out directions to the consul to sell land at 5*s*. an acre. How could the two systems act well together? The noble Lord had objected to certain instructions given in the first instance by the land company to their agents. They gave those instructions because the Government had refused to perform its duty, and would give no instructions whatever. Here were 800 individuals, about to emigrate to a distant country, kept in suspense by the Government for two years—they were obliged to embark, and, in the absence of all instructions from the Government, they had formed a kind of social compact to bind themselves. As far as a committee went, he did not think that there ought to be any difficulty on the part of the Government, to allow the principles on which they intended to act to be well known. The company was willing to give to Captain Hobson every possible assistance, and he was sure that the greatest benefit and consolation would be derived by the individuals who had embarked their fortunes and had emigrated to New Zealand, if, after the inquiry recommended by the noble Lord, they should find, that certain and definite principles were to be laid down, on which land was to be held. Upon these grounds he would vote for the motion of the noble Lord; and, unless some more satisfactory explanation should be given on the part of the Government, he hoped that the noble Lord would press his motion to a division. The noble Lord (the Secretary for the Colonies) admitted that next year there must be some legislation, and therefore he thought that the noble Lord must wish to have an inquiry with the view of establishing the title to the land on some intelligible basis.

Mr. *Vernon Smith* must say, that the noble Lord, in the speech which he had addressed to the House, temperate though it was, did not appear to lay down sufficient grounds to induce the House to appoint a committee. The noble Lord had dwelt much on the great advantages of emigration conducted upon some known principle. He was quite as much convinced as the noble Lord of the importance of emigration generally, and also of conducting it on good principles. Because, however the Colonial-office promoted caution, it was most improperly described as against all emigration. There was, however, so much false information given to the public, connected with emigration on which the public, and particularly the working men, were liable to imposition, that it was the duty of the Colonial-office to watch narrowly all proceedings in relation to this subject. Again, the method of our colonization, as it respected the natives, was, generally speaking, disgraceful to us as a nation. When it was found that our superior civilization only led to a refinement of cruelty, and not to any improvement in the condition of the natives, he thought that the Colonial-office ought to look upon all steps taken to establish new colonies with much suspicion. The noble Lord had referred to a petition from the manufacturers of Paisley; but, to any one who had read that petition it would be obvious that it must have been prepared by some other person, and was not the production of any one of the manufacturing operatives themselves. What did the petitioners ask? That there should be granted by the Government a free passage to New Zealand; that they should immediately embark in the Clyde, and on landing in New Zealand should have a grant of land for a location. Was it the intention of the noble Lord in proposing a committee to consent to any such scheme? Certainly not. The noble Lord then proceeded to quote the case of South Australia, and he supposed that the state of things in that colony was nearer to what the noble Lord would propose. The noble Lord talked of the self-supporting principle, as if it had completely succeeded. He thought that the principle propounded by Mr. Wakefield was correct; but South Australia could not come under the designation of a self-supporting colony. No country could be properly called self-supporting that raised money on security and added to the future embarrassment of the colony. South Australia ought, and he hoped would, overcome those embarrassments; but it was, in his opinion, too soon for the noble Lord to call upon them to follow, as perfectly successful, the example of South Australia. He would only enter into the question of the sovereignty of New Zealand, to refer to the statement by the hon. Member for Sheffield, that the documents and correspondence relating to it appeared at an unfortunate time. But when the New Zealand Land Company said that our sovereignty was established, it became necessary, then, for the Foreign-office to take some steps. It had no option—and was obliged to show that our sovereignty was not established. He blamed those who rendered the publication necessary. The petition from London complained that there was a publication of a part of Captain Hobson's instructions; but it was the Land Company that was responsible for the publication. The petitioner said,

> "That shortly after the departure of the said consul, in her Majesty's ship Druid, and the publication of a portion of his instructions, together with the said Treasury minute, the public mind in France became suddenly excited on the subject of the acts of the British Government and the departure of the said colonists from Great Britain, and that the result of this excitement has been the formation of a company, with a capital of one million francs, for forming a settlement in New Zealand, and the despatch of an expedition from Rochfort, charged (in violation, as your petitioners consider, of the law of nations) to effect a settlement at Banks' Peninsular, in the South Island; which expedition is reported to have had an armament of forty sailors from the French navy, and aid of money from the French government, by whom the leaders of the expedition are said to have been instructed to report on the fitness of Banks' Peninsula as a place of transportation for convicts, and at all events to reserve for the use of the French government one-fifth of the territory which they might acquire in this part of the British dominions."

It was probable that an expedition had sailed, although that it had sailed, still less that it had the authority of the government of France, was not known to him officially. If they appointed a committee, he thought that fresh expeditions would start forth from other countries, seeing that the Government of this country had not as yet acknowledged the sovereignty, but for this the Government was not responsible; the responsibility rested with those who agitated this question, as he thought, most improperly. No information from Captain Hobson had been yet received at the Colonial-office. What question then, did the noble Lord intend to submit to the committee? Did he propose to submit to its examination, the question, whether this country should assume the sovereignty of New Zealand? Did the noble Lord think that this was a question to be removed from the Government, and submitted to a committee of that House? Did the noble Lord propose to submit to the consideration of the committee a bill to be proposed in the next session? Was not the noble Lord as capable of framing such a bill as he would wish to see introduced, as the committee? or could he not leave it to be brought forward by his noble Friend, who had admitted that legislation would be necessary next year? In his judgment no reason for the committee had been stated by the noble Lord; and seeing no good from its appointment, he would oppose it. With regard to the conduct of the Colonial-office, which was not intended to be impugned, it had acted throughout with great caution, but with no intentional harshness. Every information would always be given by the Colonial-office; but he thought that it was not the business of the office to urge persons to emigrate to this part of the world, or to another.

Mr. *Hume* admitted, that the Colonial-office was called upon to exercise great caution; yet he could not say, that in this instance it had done what it ought to do. The great object should be to provide for the security of property. Was it possible, however, for any one to go to New Zealand under the present state of the disputed titles? Could any one who did go tell in what situation he would be? And if this were impossible, was it not necessary that the Government should settle the difficult points? Then Captain Hobson went out as Consul and also as Lieutenant-governor. Why was he sent out as Lieutenant-governor? He went out as the authorised representative of her Majesty, and yet the Government disclaimed having any power in New Zealand. Money had been raised by the sale of the land to carry out labourers; and it could not be raised for a more charitable object. Whenever the people were unable to maintain themselves, and there was a waste and wild country to which they wished to emigrate, let them go. They ought not to meet with difficulties, because there was one officer at the head of the Colonial Department in January, and another in April, and a third in June, to be replaced by a fourth in October—so that the officers were changed before the instructions and rules sent out by each arrived at their destination. Who would settle upon waste land unless it was secured to himself and his family, that all improvements he made were to be for his benefit, and that all the advantage to be derived from the application of labour and capital should be his and his children's? That was the ground why the emigrants in America had settled so freely. But was that the case in our own colonies? There the arrangements were for ever varying with the change of persons holding office. He thought that the noble Lord, by moving for a committee was only doing an act of justice to our starving population, and that company which had come forward with large means to assist those who were in want of assistance. By the committee the noble Lord would be able to ascertain the real nature of the title, the claims to the sovereignty of the island, what an individual who had a free passage given to him could gain when he settled in New Zealand, and the chance he had of obtaining a livelihood. Such an inquiry would enable the Government to make proper rules and regulations for the future, and he would, therefore, vote for the motion of the noble Lord.

Mr. *F. Baring* begged to assure the House that the New Zealand Land Company were much more independent than the noble Lord, and the hon. Member the Under-Secretary for the Colonies seemed to suppose of any decision to which the Government or the House should arrive upon the subject. There had been a time when the Government had appeared hostile to them, but even then the company would have gone on without its assistance, although, at the same time, they would have felt better pleased if they could have proceeded with the sanction of the Government.

Mr. *W. S. O'Brien* after having perused the papers upon this subject, was bound to give his support to the motion of the noble Lord. He thought that there were several questions, which were of the utmost importance, upon which neither the noble Lord the Secretary for the Colonies, nor the hon. Gentleman the Under-Secretary for that department, had given any answer, and he thought that it would be highly advantageous that these matters should form the subject of mature deliberation before a committee of the House. Delay upon this question would produce the greatest injury to a large portion of the community, and the sooner the views of the Government were finally declared the better.

Sir *H. Verney* hoped that the noble Lord opposite would abstain from pressing his motion to a division at that late period of the Session.

Viscount *Sandon* desired, first, to know the precise extent to which the sovereignty of the Crown of England over New Zealand was to extend? Some differences appear to have existed upon this subject, and he should like clearly to learn what was the understanding upon which Captain Hobson was to proceed: whether he was to negociate for the sovereignty of the whole of New Zealand, or whether his negotiations were to be restricted to those parts of the islands where he found Englishmen located? He also desired to be informed, whether, in the event of a colony being formed, any objection would exist to the establishment of a church with a bishop?

Lord *J. Russell* said, that the duties of Captain Hobson were, in the first place, to endeavour to acquire the sovereignty of those lands in which any of her Majesty's subjects were located. If he should find, in the course of his negotiations with the chiefs, that they were desirous of placing the whole sovereignty of their country in the hands of the Crown of England, he would be authorised to accept such a proposition. It was, however, a subject very much left to the discretion of Captain Hobson, and it was impossible to give any definite answer upon the subject, until some report had been received from him. With regard to the second question of the noble Viscount, he should say, that directly a settlement was made in New Zealand, it would be most desirable that an episcopal establishment, under the authority of the Church of England, should be formed.

Lord *Eliot* replied. The contradictory statements which had been made upon this question to the House, distinctly proved to him the necessity for that inquiry for which he had moved. In consequence of the support he had received from both sides of the House, he should not be authorised to withdraw his motion.

Lord *John Russell:* If the noble Lord persists in his motion, I shall not now oppose it.

Motion agreed to.

CHURCH RATES.] Mr. *Easthope* said, that it was with no inconsiderable embarrassment that he rose to address the House, feeling that the subject to which he was about to draw their attention would have been much better and more advantageously placed in other and abler hands. He sincerely hoped that the question of Church-rates would cease to be considered one of a political nature, and that it would be looked to, not as a matter of strife between two antagonist parties in that House, but as a question affecting the interests, the happiness, and the religious character of a large part of the population of this country. The object of his motion was, to obtain leave to bring in a bill to exonerate Dissenters from the burden of Church-rates. The bill would have plainly and simply for its object the exemption of Dissenters from the payment of Church-rates, and the mode by which he should carry out his proposition was, that when a person was summoned for the payment of any rate, his solemn declaration that he was a Dissenter should be taken to be proof of his being entitled to relief. He knew that it might be stated, that this was too simple a plan to be safe, and that it would operate as a premium for dissent. He thought, however, that the more that part of the question was examined, the less ground would be discovered to exist for the objection. If it were true that it would be an inducement to persons to avow themselves Dissenters, surely that objection must fail, for the same inducement existed under the present law. Persons who desired to avoid the payment of Church-rates by any means now, had only to go to the parish meetings on Easter Monday, and out-numbering those who were in favour of the rate, to prevent its being carried. His proposition was not without a precedent. The Roman Catholic religion was the established religion of the province of Lower Canada, and the law there was, that if any Member of the Episcopal church declared himself to be so, that was taken to be evidence of the fact, his lands were exempted from tithes, and he was exonerated from all assessments in favour of the Canadian church, to which otherwise he would be liable. It had been so frequently stated that church-rates were a grievance, and severe burden upon the consciences of Dissenters, by persons of high authority in that House, that he should deem it hardly necessary to advert further to it, if he had not, on some occasions, heard the proposition controverted. In the debate on the subject of Church-rates, on the 21st April, 1834, when Lord Althorp moved a resolution to abolish Church-rates, and to substitute for them a charge of 250,000*l.* on the land tax, that noble Lord stated—[The hon. Member quoted Lord Althorp's opinion, and the opinion of Lord Stanley delivered on the day mentioned. The hon. Member also quoted the opinion of the Attorney-General delivered on March 14, 1837. On the same point for all which see Hansard, days mentioned.] He was confident, the hon. Member continued, that even those who were most zealous for the Established Church, if they would relinquish their prejudices and enter upon this subject with an impartial and unbiassed judgment, would see sufficient inducement to look carefully, seriously, and kindly at the question, and then they must see that the Established Church, so far from being a gainer by Church-rates, so far from profiting by the unseemly and unholy strife which attended their collection, was, on the contrary, in all really essential respects, a loser by them. As a sample and an evidence of the state of the public feeling on the subject, he would state what had occurred in the town which he had himself the honour to represent. It was only one instance out of many which, if he did not fear to weary the House, he could bring forward. In Leicester there were five parishes: in four of them Church-rates were abolished by that sort of resistance that is always attended with pain to those serious people who feel obliged to resort to it, and disadvantage to those against whom it was brought to bear. One of those parishes contained upwards of 20,000 persons. In the fifth parish, Church-rates were still attempted to be collected; but what was the result? That there were now twenty-six persons liable to citation in the Ecclesiastical courts. One had already been cited. A writ was issued, but execution was stayed. The conditional rule that had been obtained, however, was subsequently discharged; and the party in question now stood every moment exposed to the expected punishment of imprisonment. This individual was not a poor man, unable to maintain himself, but a person possessing considerable property, of undoubted respectability, of the mildest disposition and manner, and the object of a general sympathy. His conscientious feelings determined him to go to prison rather than submit to the payment of an impost which he regarded as essentially unjust. He was not considered, even by those opposed to him, to be an obstinate or factious man, but a kind, industrious, and respectable member of society, labouring, in common with his neighbours, under an oppression of conscience; and he had, in the full expectation of being incarcerated in a prison, prepared and arranged his affairs in the best way he could. What was all this for? The Dissenters, and he hoped many members of the Established Church would ask why was all this? Was it that those who were now in possession of the Church property, and who had it under their control, might continue to have the mismanagement of it—to have the power of preventing the property from being as productive as it might be if administered according to the dictates of wisdom and common sense. Was it that they might refuse to adopt a course which would not only be a great gain to the community at large, but also put an end to a system of cruelty and oppression? With the particular case of John Thorogood he did not propose to interfere; but at the same time he could not but feel that the situation of that individual was intimately connected with this question. A short time only would elapse before many others would follow his example, when not only Chelmsford gaol would contain its prisoner, the victim of religious persecution, but throughout the kingdom the same oppression would produce the same results. If the resistance to Church-rates thus extended, if the feeling against them became, as he was convinced it would become, almost universal, he put it to the hon. Baronet, the Member for the University of Oxford, whether it would be possible any longer, with even partial success, to levy them on the Dissenters? But when and where would they stop? Not, he feared, until resistance had brought about alienation, and destroyed much of that reverence and respect which were still felt for the Established Church. Would they continue to disregard the feelings of the Dissenters until such results as these were produced, or would they now redress the grievances which were so justly complained of. The House must already be aware of the great advance this question had made in the public mind. Within a very short period 584 petitions, signed by 67,135 persons, had been presented to that House to obtain relief from the burthen of these unjust and onerous rates. How many petitions had been presented in favour of their continuance? Only two, and the signatures to those two amounted to only 275. He had that day presented a petition from Beccles in Suffolk, signed by the rector of the place, and other clergy of the Establishment, by justices of the peace, by the mayor, the deputy mayor, and several of the aldermen and councillors, by many members of the legal and medical professions, and a number of the dissenting clergy, recommending another provision for the maintenance of the Church, and that church rates should be abolished. He put it to the House whether any advantage arising from the existing system could, in the opinion of even the most sceptical on the subject, counterbalance its disadvantages, or make up for the loss of that peace and good will which the abolition of church-rates would produce? Was it not better at once to put a stop to the system than to risk the consequences of the continuance of this fierce conflict? What would ultimately be the result on the subject had been, as he had already said, clearly laid down by the Attorney-general when in 1837 he gave it as his deliberate opinion that even if the non-payment of church-rates were made in law a crime, still it would be impossible to collect them, and the hostility would go on increasing. Was not the hon. and learned Gentleman right in his prediction? Had not that hostility gone on increasing until it had become absolutely the duty of the Legislature to interpose some remedy? In Manchester the resistance had been successful. In Sheffield it had also succeeded. The same result had followed the same exertions in Nottingham, Bradford, Coventry, Wolverhampton, Birmingham, and in most of the large towns in the north. The resistance was not, however, confined to the larger towns—the contagion had spread to the villages; and ere long, if the law was not altered, instead of there being only one victim to church-rates in Chelmsford gaol, there would be a victim in every gaol throughout the kingdom. With such a state of public feeling, ought the system to prevail any longer? He had already stated on undoubted authority, that the expenses provided for by the church-rates ought to be paid for out of the property of the Church. It might be said that the property of the Church was insufficient. That objection had also been disposed of. But even supposing that the property of the Church was insufficient, who was there belonging to the Church that did not feel that its friends were too much attached to it not to provide for those expenses which were now the cause of so much strife and conflict? There could, however, be no doubt that the property of the Church, under a wise and thrifty management, might be made fully able to bear all its burthens. It was not, therefore, to be wondered at that the Dissenters did think this imposition hard, and that they were determined to employ every means in their power to relieve themselves from this burthen. Be the effects what they might, they felt that their first duty was, to protect their own consciences; and therefore, by every legitimate means in their power, to resist church-rates. Under such circumstances as these, it became the friends of the Church to consider whether they could not have recourse to some other means for the production of the necessary funds rather than church-rates, which were, and inevitably must continue to be, the source of increasing disturbance and conflict. He had been unable to state all the reasons which occurred to his own mind in reflecting on this subject. It was a subject, however, which presented itself in a form so plain and intelligible that, although he had been able only so feebly to advocate the cause, he could not suppose it would be without the sympathy and support of that House, or that there could be any effectual resistance to the motion with which he would conclude—"That leave be given to bring in a bill to relieve Dissenters from the Established Church of England from the payment of church-rates."

Mr. *Gillon* said, he had the more pleasure in seconding the motion of the hon. Member for Leicester, because he felt he was speaking the sentiments of his countrymen in general, and of his constituents in particular. In the assertion of the great principles of religious freedom—in resistance to tyranny over the conscience, whether from civil rulers on the one hand, or ecclesiastical ambition on the other—Scotland had never been wanting; and at the present moment, though not directly interested in a pecuniary point of view in the question before the House, there were no men, not even the Dissenters of Bungay or of Chelmsford, who felt a more lively interest in the relief of the conscientious from a burden craftily, silently, gradually imposed upon the people, as is the case in all instances of clerical usurpations, or who turned with more indignant abhorrence from the specimens of cruelty and oppression, which, in the collection of these odious rates, disgrace the cause of religion in this portion of the island. The more the origin and history of these rates were kept out of view by the clergy, the better for themselves; for the more the subject was investigated, the more would become apparent the avarice and grasping ambition of the dominant sect, and their unscrupulous use of any means, however obnoxious, to increase their own temporal supremacy—a darling object, in pursuit of which public decency and Christian charity were alike violated. He would just allude to the original appropriation of tithes into different parts, for the sustenance of the clergy, the support of the poor, and the maintenance of the altar. That this wholesome division had been altered, was the effect of priestly rapacity on the one hand, and of supineness and superstition on the other. On the extensive appropriation of tithes to religious houses, and of the neglect by those houses of every object but their own maintenance in splendour and luxury, the parishioners, unwilling to see their parish churches tumbling to decay, and desirous to protect themselves in their devotional exercises from the inclemency of the weather, subscribed for the repair of the churches; and that which they had thus voluntarily undertaken, it has been ever since the object of the clergy to fasten upon them as a legal obligation. Two facts are clearly traceable in the history of former times, and caused the disputes which then, as now, defaced the fabric of the Christian Church:—First, a purpose undeviatingly persevered in, of arrogating to the ecclesiastical courts a jurisdiction in matters of a civil nature as matters ecclesiastical:—Secondly, a resistance on the part of the people to those aggressions, which has at least in so far been successful, that the right to exact church-rates was never established without the previous consent of a vestry; but the rate once voted, the defaulter was handed over to the tender mercies of the ecclesiastical courts, of whose mode of dealing with them specimens were not wanting. He despised, the mawkish, hypocritical, sensibility which affected the greatest pity and horror at the sufferings of two well-fed sheriffs—to whom, from their appearance not long ago in this House, a little prison diet, had such been their fare, would seem but a wholesome corrective to civic luxury—and which feels no compassion for an honest, an amiable, a conscientious man, who prefers freedom of conscience to freedom of limb, who in his damp cell, his limbs racked by the tortures inflicted by this inquisition of modern days, defies the malice of his mitred persecutor, but whose blood will yet rise in evidence against his tormentor, and cry for revenge on that Church to whose cruel laws he is victim. It is now made quite manifest, on an investigation of the subject, that John Thorogood is kept in gaol not for the purpose of enforcing payment of the rate, but to satisfy the vengeance of the Bishop of London against a Dissenter who refuses to bow down before his authority; that a milder course than that followed was open even in order to obtain the rate, and that of two courses the Church has chosen, that which is the more vindictive and oppressive. Will the Church not consent to try a juster and a milder course? They draw, from the lands of England, to whomsoever they belong, the maintenance of their Establishment. Are six millions annually not enough to support the places of worship, to find the ecclesiastics, to nourish the honourable and reverend scions of the aristocracy who grace the Church by their well-paid labours, without taking the worldly goods, infringing the conscience, or sacrificing the life of the humble Dissenter? Can the Prelates spare nothing from ten and fifteen thousands a year to wipe off this great odium from the Church? They boast, that to their ranks belong the respectable, the wealthy, and the religious of the land. Will they not, in the fervour of their devotion, out of these large possessions with which God has blessed them, spare one little mite to save the sacred edifices of their worship from crumbling to decay? If they do not, no one will believe that it is the money they grudge. The poorest peasant would not grudge his contribution to save and maintain the altar at which he worships; but it was the principles of bigoted intolerance and tyrannical supremacy the Church of England desired to maintain. To the Church belong the edifices; will they not for their support, if for no other purpose, try the voluntary principle. Or is its form of government so obnoxious, that it must in all things necessarily rest on the odious principle of compulsion? A member of the Church, a worthy sample of a Christian pastor, Dr. Oliver, the incumbent of Wolverhampton, tells me he believes the voluntary principle, in regard to the support of the Church, if fairly tried, would be all-sufficient. Do you dispute his allegations when he says, that "the discussion of the subject of church-rates only tends to create feud, to divide the town against itself, to set father against son, and son against father, to sever long standing friendships, and dissolve mutual ties. "When I reflect," he adds, "that the agitation of this question is little else than an outrage on the public peace of the town, I cannot consent to aim a blow so heavy, a discouragement so great, upon what I consider to be the interests of the Church." Will you listen to these simple and eloquent effusions of a spirit truly Christian? Will you attend to a warning so forcible—so pathetic? Will you ward off from your beloved Church this heavy blow and great discouragement? Will you, in the true spirit of Christianity, follow the example of this holy man, who declares that his motto is peace, and that unity is the word inscribed on the banner which he unfurls.

The *Speaker;* Before I put the question, I feel it my duty to call the attention of the House to what seems to me to be an objection in point of form. On the 12th February last, in the present Session of Parliament, a motion was made, and the question put upon it, for leave to bring in a bill to relieve from the payment of church-rates, that portion of her Majesty's subjects who conscientiously dissented from the Established Church. That motion was negatived, and I now have put into my hands a motion for leave to bring in a bill to relieve Dissenters from the Established Church from the payment of church-rates. Now, it appears to me, that these two questions are substantially the same; and as the House is aware, that according to the rules, the same question cannot be twice entertained in the same Session, I apprehend that they will be of opinion, that I cannot now put this question.

Motion dropped.

Danish Claims.] Mr. *Cresswell* rose to bring forward the motion of which he had given notice, for an address with respect to the compensation to the Danish claimants.

The *Chancellor of the Exchequer* rose to order, and observed, that on a similar ground to that on which the former motion had been got rid of, he objected to the bringing forward the present proposition. He would, at once, refer the House to the Standing Order, of the date of February 22, 1821, which stated "That that House would not proceed upon any motion for an Address to the Crown praying that any money may be issued, or that any expense may be incurred, but in a Committee of the whole House, and that the same be declared a standing order of the House." The object of the present motion was to make a grant to certain classes of British subjects for losses which they had sustained; and for this purpose it was intended that the burthen should be thrown upon other classes. However much he might regret the case of the former persons, he could not consent to any proposition like that now given notice of by his hon. and learned Friend. If, therefore, it was necessary for his hon. Friend, the Member for Leicester, to withdraw his motion, he submitted that, in conformity with the standing order, the hon. Member must give another notice of his intention to bring forward this subject.

Subject also dropped.

The Embankment of the Thames.] Sir *F. Trench* rose to move, that an instruction be given to the Select Committee appointed to consider the petition of the corporation of London relative to the embankment of the river Thames:—

"That they shall consider and report their opinion, whether the formation of a terrace or quay along the banks of the river from Southwark-bridge to Hungerford-market would facilitate the convenience of public communication, and contribute greatly as well to the embellishment of the metropolis as to the health, comfort, and recreation of its inhabitants, especially those who are engaged in sedentary employments, and too often reside in close and crowded and unwholesome apartments."

It was fifteen years since he had brought this subject forward before Parliament, when he received the support of many of the most distinguished Members on both sides, and among others, then present, he saw his right hon. Friend, the Member for Pembroke. An estimate had been made by Mr. Walker, the distinguished engineer, as to the probable expenses of this embankment, and he believed that there was satisfactory evidence to show that it would not exceed 680,000*l.*, which amount, there was every reason to believe, would be repaid within a short period; and, at the same time, the metropolis would be greatly embellished, and the means of healthy exercise and recreation would be afforded to the inhabitants of it. Sir Christopher Wren, after the fire of London, proposed a plan of embankment for the river Thames, but neither the circumstances nor the feelings of the time led to its adoption. His present motion was only to direct the Committee now sitting to inquire into the subject. The hon. Gentleman concluded with proposing his motion.

Mr. *Hawes* would not follow the example of the hon. Gentleman and enter into an examination of Mr. Walker's estimate, as the whole subject was now under the serious attention of the Committee. The question involved the consideration of the navigation of the Thames, and when the attention of the House was directed to the plan of improvement by this or that engineer, it should be considered whether the expense was to be borne by London, or the country generally; and also to what extent private property would be sacrificed. He objected to any proposition of this kind being brought forward in this indirect manner—he should, therefore, oppose it.

Mr. *Warburton* observed, that, whenever any party proposed to take steps to make a road, canal, or railroad, they had to give previous notice to all the persons who were interested in the line of road; but the hon. Baronet now proposed to make a line of road along the banks of the Thames, involving property to an enormous amount, without the slightest notification being given to the parties most deeply interested. He knew a tenant who paid 400*l.* a-year rental for his present wharf, but if Mr. Walker's plan was adopted, he would be blocked out of his wharf, unless he consented to pay 600*l.* a-year more for the new wharf that would be built in front of his present premises. He was convinced that the House would never consent to tamper with private interests in this indecent manner, and would abstain from expressing any opinion on any scheme of embankment until it was regularly brought before it.

Sir *J. Graham* concurred with the hon. Members for Lambeth and Bridport in objecting to this motion; he would, therefore, recommend the hon. and gallant Member to withdraw it.

Sir *Matthew Wood* wished the House to recollect, that the proposition of his hon. and gallant Friend was not to submit a plan of his own to their approbation, but to induce them to investigate an extensive plan of embankment that had been proposed by an eminent engineer. He could not conceive what possible objections there could be to inquiry. He had felt great interest when he accompanied his gallant Friend, and the Duke of Rutland, and other distinguished persons, in an excursion on the river, with the view of promoting this object. He was satisfied that this embankment might be effected without any serious interruption to trade. He would support the motion.

Lord *Robert Grosvenor* hoped the House would not consent to any plan for embankment, until they had all the plans and specifications laid before them.

Sir *Robert Inglis* could not vote for the motion of his hon. and gallant Friend, because the committee already had the power he wished to give them.

Sir *Robert Peel* said, the public were under great obligations to his hon. and gallant Friend for having drawn the attention of the House to the subject; but, at the same time, he thought it would not be expedient to give such an instruction to the committee, not in respect of the plan itself, but in respect of the order of the proceeding in that House. They would be establishing a dangerous precedent. A committee had been appointed, with full and ample power to consider the subject, and to give a special instruction of this kind, would argue a distrust of the committee. He hoped his hon. and gallant Friend would not press his motion.

Motion withdrawn.

HOUSE OF COMMONS,

Wednesday, July 8, 1840.

Minutes.] Bill. Read a second time:—Punishment of Death.

Petitions presented. By Mr. Wallace, from Greenock, in favour of Immigration of Free Labourers into our West India Colonies.—By Mr. Lambton, from Durham, against Church Extension.—By Mr. Villiers, from Sheffield, Wolverhampton, and other places, against Sergeant Talfourd's Copyright Bill; and from Camden-town, and other places, for the Repeal of the Corn-laws.—By Mr. Handley, from Handloom Weavers of Norwich, complaining of the Reduction of the Duty on East India Silk.—By Mr. F. Kelly, from Ipswich, against the New Poor-law; and from the Guardians of a Poor-law Union in Suffolk, in favour of the Law.—By Mr. Sergeant Talfourd, from Kilbride, in favour of a Mitigation of the sentence passed on Frost, Williams, and Jones, and Mr. F. O'Connor; and from Reading, and other places, in favour of the Copyright Bill.—By Mr. Grote, from Merchants of London connected with New South Wales, against the application of the Funds derived from the Sale of Lands to purposes other than the Encouragement of Emigration.—By Mr. M. Philips, from the Chamber of Commerce of Manchester, for the Equalisation of the Duties on Sugar and Coffee.—By Mr. T. Duncombe, from Glasgow, against Severity to Political Offenders; and from the Licensed Victuallers of London, for an Amendment of the Law.—By Mr. V. Smith, from the Mayor and Corporation of Northampton, in favour of the Immigration of Free Labour into our West India Colonies.

COPYRIGHT.] Mr. Sergeant *Talfourd*, adverting to the position of the bill, and to the little chance he had of getting it passed in the present Session, moved the order of the day for going into Committee on it, for the purpose of having it discharged.

Order of the day read and discharged.

SALE OF BEER.] Mr. Pakington having moved the order of the day for the adjourned debate upon receiving the report of the Sale of Beer Bill, No. 2,

The motion was agreed to, and bill reported.

Viscount *Sandon* moved the clause of which he had given notice for preventing the consumption of beer on the premises in houses hereafter to be licensed for the first time or to new tenants. The evil tendency of beer-shops in which the beer was consumed had been proved by the combined testimony, not merely of magistrates and police officers, but of the clergy of the Established Church, Dissenting ministers, and Roman Catholic priests, whose signatures were appended in great numbers to the petitions which had been presented to the House praying for an amendment of the law on this subject.

Clause read a first time. On the question that it be read a second time,

Mr. *Pakington* said, he could not agree that any such clause should be added to the bill, and even if it were, he doubted whether a provision of that nature could have the effect which his noble Friend anticipated. He felt perfectly convinced, that that new mode of dealing with a very difficult question would be most extensively evaded. He was opposed to the clause, but, though his opinion happened to be otherwise, he still apprehended that the opinion of the House would eventually be rendered adverse to the whole measure, in case his noble Friend succeeded in effecting the proposed alteration.

The *Chancellor of the Exchequer* said, it appeared to him that the clause would create a new class of privileged houses. An attempt was made to reconcile the interests of beerhouse-keepers and licensed victuallers, while the consideration of the public interest was altogether omitted. The effect of the bill, should it pass into a law, with the clause proposed, would be equivalent to an entire repeal of the existing Beer Act. The whole system of monopoly would be again revived, and the old abuses re-enacted. A free trade in beer had been established; if they attempted to put an end to that, an illicit trade would, he feared, immediately arise, which the police would be unable to repress.

The House divided: Ayes 47; Noes 91: Majority 44.

List of the AYES.

Acland, Sir T. D.
Baldwin, C. B.
Barneby, J.
Bradshaw, J.
Broadley, H.
Bruges, W. H. L.
Burrell, Sir C.
Cavendish, hon. G. H.
Cresswell, C.
Dick, Q.
Duffield, T.
Du Pre, G.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Farnham, E. B.
Feilden, W.
Gaskell, J. Milnes
Gladstone, W. E.
Goring, H. D.
Greene, T.
Grimsditch, T.
Halford, H.
Hector, C. J.
Hogg, J. W.
Hughes, W. B.
Kelly, F.
Lascelles, hon. W. S.
Lennox, Lord A.
Miles, P. W. S.
Nicholl, J.
Packe, C. W.
Palmer, R.
Parker, R. T.
Powerscourt, Visct.
Pusey, P.
Rae, right hon. Sir W.
Richards, R.
Rushbrooke, Colonel
Rushout, G.
Shaw, right hon. F.
Sheppard, T.
Sturt, H. C.
Vere, Sir C. B.
Verner, Colonel
Wilmot, Sir J. E.
Winnington, Sir T. E.

TELLERS.

Sandon, Viscount
Barrington, Viscount

List of the NOES.

Ainsworth, P.
Alston, R.
Baring, rt. hon. F. T.
Barnard, E. G.
Bewes, T.
Blackstone, W. S.
Blair, J.
Briscoe, J. I.
Brotherton, J.
Bryan, G.
Buller, E.
Burroughes, H. N.
Clements, Viscount
Clive, E. B.
Clive, hon. R. H.
Cowper, hon. W. F.
Currie, R.
Darby, G.
Denison, W. J.
Dugdale, W. S.
Duncombe, T.
Ellice, E.
Estcourt, T.
Euston, Earl of
Evans, W.
Ewart, W.
Finch, F.
Greg, R. H.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hamilton, C. J. B.
Handley, H.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hope, hon. C.
Hoskins, K.
Houstoun, G.
Hume, J.
Hurt, F.
Hutchins, E. J.
Hutt, W.
Irton, S.
Langdale, hon. C.
Langton, W. G.
Lushington, C.
Lygon, hon. General
Lynch, A. H.
Maule, hon. F.
Morris, D.
Muntz, G. F.
Muskett, G. A.
Paget, F.
Parker, J.
Pechell, Capt.
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Pinney, W.

Rice, E. R.
Russell, Lord J.
Scholefield, J.
Sheil, rt. hon. R. L.
Shirley, E. J.
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, R. V.
Somerset, Lord G.
Stanley, hon. E. J.
Stanley, hon. W. O.
Stansfield, W. R. C.
Style, Sir C.
Talbot, C. R. M.
Tancred, H. W.
Thornely, T.
Thornhill, G.
Tufnell, H.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
Waddington, H. S.
Wakley, T.
Warburton, H.
Ward, H. G.
White, A.
Williams, W.
Williams, W. A.
Winnington, H. J.
Worsley, Lord
Wrightson, W. B.
Wyse, T.

TELLERS.
Pakington, J. S.
Sanford, E. A.

Bill to be read a third time.

DRAINAGE OF LANDS.] On the motion of Mr. Handley, House in Committee on the Drainage of Lands Bill.

On clause 2,

Lord *G. Somerset* proposed, that the words "two-thirds of quantity" be omitted, and "three-fourths of occupiers" substituted.

The Committee divided on the question, that the words proposed to be left out remain: Ayes 38; Noes 16: Majority 22.

Clause to stand part of the bill.

On clause 24

Mr. *Darby* said it conferred arbitrary power upon the commissioners, without any guarantee for its due exercise. He moved that the words "to make" be omitted, leaving them only the power to continue and improve present drains.

Mr. *Handley* supported the clause.

The committee divided on the original question: Ayes 28; Noes 18: Majority 10.

Clause agreed to.

On the 93d clause, the act not to extend to certain districts,

Mr. Hodges moved as an amendment, to add words excluding sewers in any county of England or Wales from the operation of the bill.

Mr. *Handley* objected to the amendment, alleging that its adoption would render the whole bill inoperative.

Mr. *Darby* supported the motion of the hon. Member for Kent, and said, that if it were not carried, he would move a clause exempting the county of Sussex from the operation of the bill.

Committee divided on the question, that the words be added: Ayes 22; Noes 48: Majority 26.

List of the AYES.

Baldwin, C. B.
Bernal, R.
Boldero, H. G.
Broadley, H.
Darby, G.
Du Pre, G.
Evans, W.
Fielden, J.
Fleetwood, Sir H. P.
Goring, H. D.
Grimsditch, T.
Hector, C. J.
Hoskins, K.
Hughes, W. B.
Hutchins, E. J.
Kelly, F.
Muskett, G. A.
Rice, E. R.
Richards, R.
Salwey, Col.
Sibthorp, Col.
Williams, W.

TELLERS.
Hodges, L.
Williams, W. A.

List of the NOES.

Baines, E.
Barnard, E. G.
Berkeley, hon. C.
Bewes, T.
Brotherton, J.
Bruges, W. H. L.
Buller, E.
Currie, R.
D'Eyncourt, rt. hn. C. T.
Ewart, W.
Finch, F.
Fitzsimon, N.
Grosvenor, Lord R.
Halford, H.
Hawes, B.
Hill, Lord A. M. C.
Hinde, J. H.
Hindley, C.
Hobhouse, T. B.
Hodgson, R.
Langdale, hon. C.
Langton, W. G.
Lascelles, hon. W. S.
Lushington, C.
Maule, hon. F.
Morris, D.
Muntz, G. F.
Nagle, Sir R.
Pechell, Captain
Phillpotts, J.
Power, J.
Pryme, G.
Pusey, P.
Rundle, J.
Scholefield, J.
Stanley, hon. W. O.
Style, Sir C.
Talfourd, Mr. Serj.
Thornely, T.
Turner, E.
Vigors, N. A.
Wakley, T.
Wallace, R.
White, A.
Wilmot, Sir J. E.
Winnington, H. J.
Wood, G. W.
Wood, B.

TELLERS.
Handley, H.
Lynch, A. H.

Clause agreed to, as were the remaining clauses.

House resumed—report to be brought up.

[We give the names in the last division only.]

PUNISHMENT OF DEATH.] Mr. *F. Kelly*, in moving that this bill be read a second time, wished to say a few words in consequence of what had fallen from the Attorney-general upon the introduction of the bill. His hon. and learned Friend then stated it to be his decided opinion, that the benefits of this measure ought to to be extended to Ireland and Scotland, and in that opinion he (Mr. Kelly) entirely concurred. It having appeared to him also that at the time that opinion was expressed, it had met with the sanction of a great majority of Gentlemen who represented those two portions of the country, he had felt it his duty to cause two separate bills to be prepared, in order to extend the benefit of this measure to Ireland and Scotland. As the matter had been fully discussed on a former occasion, without, as it appeared to him, any objection to the principle of the present bill, he should feel it an unwarrantable trespass on the time of the House if he were to do more than move that the bill be read a second time.

Mr. *F. Maule* would not oppose the motion, but would give the hon. and learned Gentleman warning of his intention to propose many alterations in the bill when in committee, upon which he should take the sense of the House. He was opposed to capital punishment in every case where it was not likely to be attended with a good effect as an example; because he held that it was not an act of vengeance, but an act which was resorted to for the purpose of deterring others from following in the footsteps of those who suffered the extreme sentence of the law.

Bill read a second time.

HOUSE OF LORDS,

Thursday, July 9, 1840.

Minutes.] Bills. Read a first time:—Blenhiem Palace Repairs.—Read a second time:—Arms (Ireland); Masters in Chancery.

Petitions presented. By the Bishop of Exeter, from Drogheda, Nenagh, Maryborough, Cloyne, and many other places, against any system of National Education not under the superintendence of the Established Clergy.

Government of Canada.] On the report of the Canada Government Bill being brought up, and several amendments agreed to,

Lord *Ellenborough* adverted to clause 12, which enacts that

> "The parts of the said province which now constitute the provinces of Upper and Lower Canada respectively, shall be represented by an equal number of representatives;"

And proposed, as an amendment, the omission of the word "equal." He made that proposition because he conceived the enactment to be highly unjust. They were taking on themselves to legislate for both these provinces; whereas they well knew that it was impossible for one of these provinces to express any opinion at all on the subject to which the bill related. Now, he did not think it was probable—nay, he conceived it to be most improbable—that the people of Lower Canada would be content with this arrangement. How stood this case? Lower Canada contained a population of 700,000 souls, and possessed the whole navigation of the river St. Lawrence to the sea; while Upper Canada, with no such advantage, contained only 400,000 inhabitants. When the inequality between the two provinces was so great, it afforded a strong reason for supposing that Lower Canada would not be content with the proposed division of the representation. But he objected to this division on another ground. He objected to it because, while in the first instance it inflicted injustice upon Lower Canada, it would ultimately prove unjust to Upper Canada. If the population of that province increased, as it assuredly would, by means of extensive immigration, then in a few years its numbers would preponderate, and the weight of representation, as compared with numbers, would be in favour of Lower Canada. The Upper Province would feel the injustice of this unequal representation, which could not be remedied, unless Parliament again interfered. He therefore objected to this arrangement, because it would now be unjust to Lower Canada, and at a future time it would work equal injustice to Upper Canada. It was, he conceived, particularly unjust to adopt such a rule of representation now, when the Lower Province was incapable of expressing any opinion on it. If the inhabitants of Lower Canada were afforded such an opportunity, he was sure that they would not agree to the proposition.

Viscount *Melbourne* was understood to say, that if the population of Upper Canada hereafter increased in the manner to which the noble Lord alluded, it would be in the power of Parliament to revise the measure.

Lord *Ellenborough* said, that his views upon this point were borne out by the opinion of the Earl of Durham, who, in his report, stated—

> "I am adverse to every plan that has been proposed for giving an equal number of members to the two provinces in order to attain the temporary end of out-numbering the French, because I think the same object will be obtained without any violation of the principles of representation, and without any such appearance of injustice in the scheme as would set public opinion, both in England and America, strongly against it; and because, when emigration shall have increased the

English population in the Upper Province, the adoption of such a principle would operate to defeat the very purpose it is intended to serve. It appears to me that any such electoral arrangement, founded on the present provincial divisions, would tend to defeat the purposes of union, and perpetuate the idea of disunion."

Amendment negatived.

Lord *Ellenborough* said, he trusted that their Lordships would agree to the proposition which he was now about to make, which he considered to be just in itself, and perfectly reasonable. It offered, in his opinion the only prospect by which this measure was likely to be rendered advantageous to this country, and conducive to the prosperity and tranquillity of Canada. The proposition which he was about to make had reference to an alteration in the proposed system of representation. Their Lordships had already determined that the members representing the upper and lower province should be equal for each province. Now, his object was to make such an arrangement as that the number of representatives for Lower Canada should be so distributed as to render it most satisfactory to the great majority of the population. The bill in this respect proceeded on a principle of which he greatly disapproved. Thus it proposed to give to Sherbrooke a member, while it excluded the town of William Henry, which was of more importance. Why was this? He could see no other reason for it except that the population of the former was in a great degree English, which was not the case with the latter. With the same feeling the bill proposed to give to a constituency of 2,300 persons the right of nominating a member, while it consolidated eight counties into four, and gave to each, the population amounting to 30,000 persons, the right of electing a single Member. This was done for the purpose of, as it was called, upholding the British interest. It was just as if, in case an alteration was proposed in the Reform Bill of this country, it was desired that the small county of Rutland should continue to send two Members to Parliament, because it happened at the time to return two Whigs, while the two divisions of Devonshire, were required to be consolidated, and to return only two Members, because they had previously sent two Conservatives to Parliament. The spirit in which this bill was conceived was precisely the spirit that dictated the penal laws against the Roman Catholics of Ireland. The object of the bill evidently was to deprive, as far as possible by a legislative enactment, the people of Lower Canada of French origin—of any share at all in the Government of the united province. To that principle he entirely objected. It was not found to work advantageously where it had been put in force, and it would be found not to operate advantageously now, because it was in itself unfair and unjust. If they distrusted the people of Lower Canada, why let them take steps to deprive them of all power at once; but if they felt confidence in that people, let them show by their proceedings that such was the fact, and let them so act as to inspire confidence on the other side. Even in private life, where confidence was shown, it was almost uniformly met by corresponding confidence. But if they took a middle course—if they adopted half measures—if they showed a distrustful spirit — if they feared to go the whole length, but endeavoured by trick and chicanery to deprive these people of a just representation, they would ultimately find their efforts unsuccessful, and they deserved so to find them, because such a proceeding was contrary to the principles of good Government, and was inconsistent with the dictates of common sense. He proposed that, so far as it could be done, they should give such a representation to Lower Canada as would be satisfactory to the people of that country. In endeavouring to find a ground for such a representation, he would have recourse to the Act passed in 1829, which was acquiesced in by the Government of that time, and the amendments to which, proposed by the Legislative Assembly, were agreed to by the Legislative Council. He allowed great weight to the opinion of the noble and gallant Lord on the cross bench, and he was willing to adopt his suggestion on this point—as far as they could be adopted, consistently with other provisions of the bill. He was willing that every county now existing in Lower Canada should send one member to the Legislative Assembly. He wished to act with those people on a broad and liberal principle, and not to send them into the colonial parliament with angry recollections, and feelings hostile not only to the union of the two provinces, but to the connexion with this country. When the town of Three Rivers was allowed to elect a member, he could not see why the town of William Henry, which was a large place, should be deprived of a similar right, on the colourable pretext that it was necessary to support what was called the British interest. The bill gave two members to Quebec, two to Montreal, one to Three Rivers, and one to Sherbrooke. He wished to add four to these, raising the number of representatives for the Lower Province from 42 to 46. If that were acceded to, it would consequently be necessary, as the principle of equality of representatives for each province was determined on, to raise the number of representatives for Upper Canada also to 46. On that point he conceived the suggestion of the noble and gallant Lord on the cross-bench might be advantageously adopted. When this bill was introduced to the House of Commons by her Majesty's Ministers it contained a provision for district councillors. It was consistent with that provision that the number of the members of the Legislature should be diminished, but when that provision was struck out of the bill, the number of legislators was too few for the local government of that country. Let noble Lords recollect that all the parish roads and bridges, which by the bill were intended to be thrown on these district councils, would be cast upon the United Legislature. The United Legislature would also have to take into their consideration the propriety of altering, continuing, or renewing about 150 acts of Parliament, and it was utterly impossible, with the present number of Members, that they could get through so much business. He did not find fault with those who had thrown out those clauses, but in his opinion they might have received some modification, and he was convinced that under the present plan it would be impracticable to govern the united province. It had been said that this measure was founded on the plan of Lord Durham; but this was not the plan of Lord Durham, nor anything like it. Lord Durham's plan was, to unite all the provinces, and give a separate legislature to each separate province, for the purpose of local government. That was an intelligible plan. The business of the general legislature would have been principally business of a judicial character, affecting the whole union, and provincial matters affecting each province would have been settled by its own legislature. That, he repeated, was an intelligible plan, and every one who considered the condition of our North American provinces would soon be brought to doubt whether it might not ultimately be necessary to adopt some such plan, at least if it was intended to preserve those provinces, because the great object which we had to accomplish was to give the colonists a feeling of nationality. Now, we never should preserve those provinces if we gave them a bad government, such as they must have if we cast upon the united Legislature the duty of legislating about the minute details. Let their Lordships consider what that Legislature was, and of what it was to be composed. The members who came from the two most distant points of the province, united as it was to be, would traverse a distance equal to the distance between the Straits of Calais and the Straits of Messina, and in point of the time taken up in travelling would be more distant from each other than London was from Bombay. Now that legislature, so composed, was to deal with the question of every road and bridge of the most trifling kind that could exist throughout the whole of the intermediate space, the greater part of which intermediate space being in a state which closely resembled that of Britain in the time of the Druids. He must say that he liked the bill of the Government as it was originally introduced, better than the measure as it now stood. He thought that what the Government originally proposed, subject to amendments, was practicable; but the bill which their Lordships had before them was impracticable, and he thought that nothing could justify us in giving to the people of Canada a government which must be bad. The Ministers of the Crown had certainly succeeded in getting a majority in the Legislature for the people of British origin, but he bade them beware lest that majority should turn into a majority hostile to the connexion with this country, owing in Lower Canada to the manner in which we had treated them, and in Upper Canada to causes which it was not necessary for him to specify. It was for these reasons that he hoped that her Majesty's Ministers would reconsider the state of the representation, with the view of doing away with, at the least, that additional cause of discontent.

Viscount *Melbourne* entirely agreed

with the general principles laid down by the noble Baron, that the share of the representation given to the Lower Province should be given in a fair and honest manner, and one that would secure the cordial concurrence of its inhabitants in the working of this bill. He could not, however, agree in the violent censure which the noble Baron had cast upon the measure, or in the charge of fraud which he had brought against the provisions of this bill. On the contrary he was fully persuaded that, when their Lordships carefully considered the position of the two provinces, and the real facts of the case, they would come to the conclusion that the measure as it now stood was not liable to any of the imputations which the noble Lord had cast upon it. The noble Baron had been guilty of a great exaggeration when he said that the bill was conceived in the same spirit as the penal laws by which it was so long attempted to abolish the Catholic religion, and to keep down and depress the Roman Catholic population of Ireland. He thought that the present arrangement had been framed on right principles of representation, and when the noble Baron said that a small county sent to the Legislature a Member, when two larger counties were united and formed one electoral district, sending but one Member, he must say that he thought it had been agreed, even by those who were the strongest Reformers, that it was highly desirable that some Members should be elected by a larger, and some by a smaller constituency, and therefore he could not think that any just exception existed on this ground. With respect to the noble Baron's complaint about taking away a member from the town of William Henry, and giving one to Sherbrooke, he thought it was not of sufficient importance to justify any change in the arrangement proposed. He knew that the town of William Henry was a very small town, and that it was not likely to be larger, but Sherbrooke was increasing in population. As to the counties which had been united and formed under the bill one electoral district, the population was not large even when the two counties were united, and by no means too large to be represented by a single member. The counties were also comparatively small in point of extent, and he had been told, that from their situation and the nature of the soil, the population was not likely to increase in any very great degree. With regard to any alteration in the boundaries and divisions established by the Colonial Act of 1829, he knew very well that nothing was more difficult to manage, and nothing more likely to create dislike, alienation, and offence, than to make any unnecessary change in old boundaries. The bill, therefore, retained the limits marked out by the act of 1829, so far as was possible, and those exceptions to which the noble Baron had adverted were the only instances of departure from them. The act of 1829 was assented to by the Government of which the noble Baron formed a part. That assent, however, created surprise in some minds, because that act was in reality a scheme of the French dominant party to increase their own power; and, in fact, it was framed by M. Papineau, to establish and consolidate his own influence and authority. The ancient divisions of the country, as he understood, were those which were established by this bill; and, therefore, the bill did not interfere with the ancient divisions of the country, but with the divisions marked out by the act of 1829. Now, admitting that it would be unjust to make any territorial arrangement for the purpose of giving predominance to a particular party, yet, when an arrangement had been brought about in order to further the views of a party, it was not unfair to restore matters to the state in which they were before. He must say the representation was arranged on what appeared fair and equitable grounds.

Lord *Ellenborough* was quite sure, that if the noble Viscount had read, as he had taken the trouble to do, the report of the Canadian commissioners, he would not be satisfied that the arrangement made by the act of 1829 was perfectly fair. Now, so far was it from being the case that these small counties were taken to increase the French majority, that they were given to increase the English party, and the average number of English returning a member was 3,500, while the average number of French returning a member was 6,500. When he said that this bill was conceived in the spirit of the penal laws against the Catholics of Ireland, he did not mean that the framers of this bill would interfere with the Roman Catholic population of Canada. On the contrary, he believed that their religion, their institutions, and their establishments would be preserved inviolable.

The Earl of *Ripon* recollected perfectly well, that when the act of 1829 passed, a very considerable portion of the English population of Lower Canada felt that that act would be by no means beneficial to them. It would be a very unfortunate circumstance if Sherbrooke were shut out of the bill. It was one of the most thriving towns in the country, and was situated in a rather important point on the south-eastern frontier, near to the United States. With respect to the clauses appointing district councils, he thought that it was a great improvement to leave them out of the bill. He did not think it desirable, in a measure of this kind, to introduce details, for the due execution of which we must refer to the local legislature.

The Marquess of *Lansdowne* said, that, perhaps, the noble Baron opposite was not aware that the whole of these territorial distributions, and the whole of the act, had been published in the Canadian newspapers, and opportunity had been given for remonstrances from the districts affected, yet no objection had been made to the arrangement. There had been petitions against the whole bill, but not one had been presented to their Lordships against this particular grievance of territorial distribution. It was fair, then, to presume, that the arrangement had not given dissatisfaction to the inhabitants of the colony. The noble Baron had also omitted to notice, that in this bill there was a specific clause, enabling the Legislature of Canada to alter these proportions, if they thought fit. In the 26th clause of the bill, their Lordships would find that there was power given to the Legislature of Canada to alter the apportionment of representatives to be chosen by the counties, ridings, cities, and towns respectively, and to make a new and different apportionment of the number of representatives to be chosen in and for those parts of the province of Canada, which now constituted the provinces of Upper and Lower Canada, and in and for the several districts, counties, ridings, and towns in the same. Now, this clause in the bill contained a provision to enable the Legislature of Canada to alter the apportionment of the representation; and, as they were on the spot, they had better means of doing justice in the distribution than the noble Baron or any other Member of their Lordships' House, and they had better means of altering the distribution if it was unequal in its character, and unjust in its tendency. Thus, for instance, if, in a few years, the town of Sherbrooke was found not to be of sufficient importance to return a member, a new adjustment might take place, and that in a manner infinitely more satisfactory to the people of Canada than if the noble Baron's views were carried into effect by the present bill. The noble Lord had compared the existing state of Canada to England in the time of the Druids. If the noble Lord had chosen to travel a little further down in English history, to the period of the Heptarchy, he would find it quite as difficult to traverse England then as Canada at the present time. Yet history informed them, that England acquired at that period a degree of stability, power, and solidity from the union which then took place, which had laid the foundation of all her subsequent prosperity. In his opinion, they would do wisely to leave the adjustment of these matters and the constitution of municipal councils to the wisdom of the provincial Legislature.

The Earl of *Gosford* begged to remark, that the noble Viscount was in error in stating, that Papineau was the chief framer of the bill of 1829. The person chiefly occupied in framing that measure was a very intelligent Scotchman, named Nelson. With respect to Montmorency and Sherbrooke, which under the new arrangement it was proposed should return only one member, he had to observe that the population of Montmorency was 10,000, instead of 7,000 or 8,000, as stated by the noble Viscount. He thought that an additional member should be given to this district.

Amendment withdrawn.

The Bishop of *Exeter* wished to call their Lordships' attention to the 26th clause, which required a larger concurrence on the part of the representatives than would be found possible in practice. It required the concurrence of two-thirds of the Members for the time being, not of those only who were actually present. There was another point which he was astonished that the acuteness of noble Lords had not before detected. It was, that these people, when they met, could not possibly understand each other. He was assured that, even in the Lower Province, the members sate together night after night, and a member of French extraction could not exchange a word with his neighbour, who was of English extraction. It was the lawyers alone that could speak both languages, and the accomplishment of speaking the French language was very rare in the Upper Province. It reminded him of a circumstance which he had met with in one of the reports of the Education Commissioners for Ireland, where a schoolmaster in the province of Connaught could not speak a word of Irish, and the boys could not speak a word of English; but this was in Ireland.

Lord *Ashburton* referred to the Legislatures of Belgium and Holland, when those countries were united—where German, French, High Dutch, and Low Dutch, were all spoken by the members; also to the state of Louisiana, and other states, where a similar inconvenience to that pointed out by the right rev. Prelate had been apprehended; yet the members had been found to understand each other much better than had been anticipated.

The Bishop of *Exeter* thanked the noble Baron for the illustration derived from Belgium and Holland, which had flown off with a mutual repulsion that led to a degree of commotion which he hoped never to witness in Canada. This bill had been described as unjust and tyrannous, and to this description he wished to add the word "absurd."

The Marquess of *Lansdowne* remarked, that no inconvenience was felt in one of the oldest constitutions in Europe—the Swiss Diet—where French was exclusively spoken by one portion, and German by the other.

Report agreed to. Bill to be read a third time.

Bill read a second time.

BIRMINGHAM RIOTS.] The Earl of *Warwick* rose to move for the production of Mr. Dundas's report, and the evidence taken on the investigation held at Birmingham respecting the riots of the 15th of July, 1839, and also for the letter of Mr. Alston to Lord John Russell, dated the 11th of July, 1839, with the answer returned thereto. He was unwilling to revert to any of the circumstances connected with the riots at Birmingham, but he was sure, that in the observations he had to make to their Lordships' he should avoid the use of any expressions which could possibly offend any one. The case was simply this—certain persons in Birmingham had complained of the conduct of the magistrates of Birmingham, during the riots in that place, and in consequence an investigation into those complaints had been instituted by the Government. When that inquiry was finished the complaining parties were told by the noble Marquess the Secretary for the Home Department, that no case had been made out against the magistrates. Now, he thought it was hard that those persons should be told they had made false charges against the magistrates, and yet when they asked for the report of Mr. Dundas, and the evidence taken before him, that that request should have been refused by the noble Marquess. It was on their behalf, therefore, that he was induced to move for the production of those documents, because it was upon the report of Mr. Dundas the noble Marquess had formed the opinion, that no case had been made out against the magistrates. He wished to state the whole facts to their Lordships, and to ask for the papers which the Home-office had refused. In doing so he thought the best course he could follow would be to read a part of the correspondence which had passed between the complaining parties and the Home-office, as by that means the whole case would be fully explained to their Lordships. From a paper which he held in his hand, he found that a memorial had been transmitted to the Government, containing a list of the names of all those persons whose property had been burned or destroyed, and in that memorial it was stated, that from half-past eight o'clock, on the evening of the riots, till ten o'clock, the lives and property of the inhabitants in the vicinity of the scene of those disturbances had been left at the mercy of an organized mob, although the mayor and magistrates had been duly informed of what was taking place. They, therefore, considered that the magistrates had been guilty of a dereliction of duty, and prayed for investigation. It had been urged that the memorialists had made use of very strong language, but their Lordships would recollect that the riots took place on the evening of the 15th, and the memorial was written on the 16th, when the town was in a state of the greatest alarm. They also stated, that the magistrates had had due information of what was likely to take place, and if the investigation were permitted, that they felt they would be able to substantiate those charges. The investigation was granted, and the noble Viscount opposite made that circumstance an excuse for suspending his judgment upon the subject when questioned about it by him (Lord Warwick). He asked the noble Viscount if there was a sufficient military and police force in the neighbourhood to carry the orders of the magistrates into execution, and the noble Viscount said, he had no doubt there was, adding, however, that he was surprised something of this sort had not occurred long before. Various applications were made by letter for Mr. Dundas's report, but in vain. At length, in the month of December, the noble Marquess caused a reply to be written, stating, that having considered the evidence which had been taken on the part of the memorialists before Mr. Dundas, he was of opinion that the memorialists had altogether failed to establish the charges they had made, and that the evidence showed that they were not warranted in calling for any such proceedings against the mayor or magistrates of Birmingham. This was the letter of which he complained. How the noble Marquess could have come to that conclusion he knew not, if there was any truth in the evidence as published in one of the country papers. It was still more surprising to find that the noble Lord (J. Russell) had received a letter four days previous to the 15th of July from Mr. Alston, a magistrate, informing him of the expected riots, and yet that no steps had been taken by the magistrates to prevent them. Notwithstanding all this, the memorialists were told that they had made out no case of expected riots, and the danger that was likely to ensue from them. If the report and evidence of investigations were to be thus withheld, he could see no utility in such investigations; and if the noble Marquess intended to refuse them, he hoped he would at least favour their Lordships with his reasons for doing so.

The Marquess of *Normanby* said, that there was nothing whatever contained in the papers moved for that rendered their production inconsistent with the public service? If the noble Earl had made his motion the day after the opening of Parliament, the papers would have been produced without the slightest objection. They were now ready to be produced, but considering, as he had reason to believe, that all angry feelings were subsiding in the town, he could not but think it unfortunate that the noble Earl had postponed his motion to the present time, as it might tend in some degree to revive those feelings. He could assure the noble Earl, that he had no intention of dealing either hardly or harshly with the individuals upon whose memorial the investigation took place. He was ready to make every allowance, considering the time and circumstances under which they made the application, and that they might have been labouring under an unusual degree of irritation, for the strong expressions which they made use of upon the occasion; but in sending his answer, he was obliged to deal with the facts as they had been stated to him. The memorialists stated that the magistrates had been guilty of a gross dereliction of duty; that they had had full and authentic information of the intention of the rioters; and that they had by gross misconduct actually brought those riots on. Now, if the magistrates had been guilty to the extent stated by the memorialists, who called for their dismissal, they ought not only to have been dismissed, but put upon their trial, and if found guilty, severely punished. Mr. Alston had certainly written to Lord John Russell, stating that a certain meeting for a specific object was to be held; but the information which he and others communicated did not at all correspond with what had occurred. He did not mean to say that the magistrates would have been exempted from blame if they had not guarded against what they had been warned of, and had a right to expect. But their Lordships would find, from the papers moved for, that all proper precaution necessary to guard against the expected evils had been taken to meet those evils, if they had assumed the shape which it was announced they would. When the whole of the evidence was laid before their Lordships, it would be found that the charges made by the memorialists against the magistrates had not been made out. It would be seen that the letter of Mr. Alston fully proved that the magistrates had no previous knowledge with respect to the meeting of the rioters, and that both the charges and the censure of the memorialists were greatly exaggerated, and that there was nothing in the conduct of the magistrates to warrant either. If it had been otherwise, and that the charge against the magistrates had been substantiated, he should have felt it his duty to call them to account.

The Duke of *Wellington* said, that though an opinion on the question could not well be formed without having the whole of the papers, still it appeared that the magistrates had been furnished with more information than the noble Marquess seemed inclined to admit. It was evident that notice of the intended riot had been furnished to them, and yet they had not taken care to have two magistrates in attendance, and the consequence was that the police could not act in the absence of the requisite number of magistrates.

The Earl of *Warwick* in reply said, that nothing but Providence saved the town from destruction, as the wind, which previous to the firing of the houses had been rather high, sunk into a dead calm. With respect to the riot, though the magistrates had previous information, no preparations were made to resist the rioters.

Lord *Lyndhurst* said, it was evident that the magistrates were aware of the intended gathering, as a meeting had been held for the purpose of discussing whether or not it would be prudent to disperse it. That there was neglect was evident from the fact of the military being in readiness to repress the outrage if called upon. A bookseller of the town, too, had a conversation with the mayor, in which he gave information of a proposed meeting of the Chartists on the following night for the purpose of possessing themselves of the Bull-ring at St. Thomas's church, and that they were advised by their leaders to come prepared for the police. To this the mayor answered, "Let them come, we shall be prepared for them." Yet, notwithstanding this, no preparation had been made, though there was a police force in the town sufficient to repress the riots. When the police were called upon to act, Mr. May said that they could not act without the direction of a magistrate, but there was no magistrate present. When these facts were before their Lordships, how could they possibly acquit the magistrates of the gross neglect of which the memorialists complained? In his opinion a case of gross dereliction of duty had been made out, and the noble Marquess opposite was rather too hasty in his acquittal.

Motion agreed to.

HOUSE OF COMMONS,

Thursday, July 9, 1840.

MINUTES.] Bills. Read a first time:—Charitable Lands Exchange; Grand Jury Cess; Court House (Ireland).—Read a third time:—Sale of Beer.

Petitions presented. By Mr. Brotherton, from Byers-green, Durham, against the Ecclesiastical Duties and Revenues Bill.—By Mr. Lockhart, from Wandell, in favour of the Church of Scotland Benefices Bill.—By Mr. Wallace, from Greenock, in favour of Grinding Foreign Corn in Bond.—By Lord Hillsborough, from Ryan (Down), in favour of Non-Intrusion.—By Mr. Hume, from Medical Practitioners in Kilkenny, for Remuneration for Medical Witnesses; and from Barshead, in Renfrew, for the Release of Political Offenders.—By Sir R. H. Inglis, from Womboune, and from Islington, against Sunday Trading; from Twining, and Dumford, for a Repeal of the Catholic Emancipation Act; and from Wavendon, against any Grant to Maynooth.—By Mr. Gillon, from the Synod of the United Secession, Edinburgh, to apply the Clergy Reserves, Canada, to General Education.

ECCLESIASTICAL DUTIES AND REVENUES.] House in Committee on the Ecclesiastical Duties and Revenues Bill.

On Clause 26,

Lord *Eliot* moved to add the following proviso, "that the canonry or canonries, or portions of canonry or canonries, which under the provisions of this act shall be annexed or appropriated to any archdeaconry, shall be in addition to the number of canonries which shall continue to exist under this bill."

The Committee divided:—Ayes 57; Noes 85—Majority 28.

List of the AYES.

Acland, T. D.
A'Court, Captain
Bailey, J.
Baring, hon W. B.
Barrington, Viscount
Blackburne, I.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Buller, Sir J. Y.
Clive, hon. R. H.
Cochrane, Sir T. J.
Codrington, C. W.
Colquhoun, J. C.
Dalrymple, Sir A.
Darby, G.
De Horsey, S. H.
Dick, Q.
Estcourt, T.
Feilden, W.
Freshfield, J. W.
Gladstone, W. E.
Glynne, Sir S. R.
Goulburn, rt. hn. H.
Grimsditch, T.
Hamilton, Lord C.
Hodgson, R.
Holmes, W.
Houstoun, G.
Jackson, Mr. Serjeant
Knight, H. G.
Lennox, Lord A.
Lincoln, Earl of
Lygon, hon. General
Mackenzie, W. F.
Mordaunt, Sir J.
Pakington, J. S.
Palmer, G.
Parker, M.
Parker, R. T.
Pemberton, T.
Polhill, F.
Rolleston, L.
Round, J.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Sibthorp, Colonel
Smith, A.
Somerset, Lord G.
Sturt, H. C.
Sugden, rt. hn. sir E.

Thornhill, G.
Wynn, rt. hn. C. W.
Young, J.

TELLERS.
Eliot, Lord
Inglis, Sir R. H.

List of the NOES.

Adam, Admiral
Aglionby, H. A.
Alston, R.
Bannerman, A.
Baring, rt. hn. F. T.
Barnard, E. G.
Bewes, T.
Blackett, C.
Brotherton, J.
Bryan, G.
Buller, C.
Buller, E.
Canning, rt. hn. Sir S.
Childers, J. W.
Clay, W.
Clements, Viscount
Corbally, M. E.
Craig, W. G.
Douglas, Sir C. E.
Duncan, Viscount
Dundas, D.
Elliot, hon. J. E.
Ellice, E.
Euston, Earl of
Evans, W.
Ferguson, R.
Finch, F.
Fitzsimon, N.
Godson, R.
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Grosvenor, Lord R.
Hayter, W. G.
Heathcote, G. J.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hughes, W. B.
Hume, J.
Hutt, W.
Hutton, R.
Lambton, H.
Langton, W. G.
Lascelles, hon. W. S.
Loch, J.
Mildmay, P. St. J.
Morris, D.
Muntz, G. F.
Nagle, Sir R.
Nicholl, J.
Norreys, Sir D. J.
O'Brien, C.
Oswald, J.
Pattison, J.
Pechell, Captain
Philips, G. R.
Ponsonby, C. F. A. C.
Power, J.
Price, Sir R.
Pryme, G.
Rawdon, Col. J. D.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Scholefield, J.
Seale, Sir J. H.
Sheil, rt. hn. R. L.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stock, Dr.
Thornely T.
Tollemache, F. J.
Troubridge, Sir E. T.
Vernon, G. H.
Vigors, N. A.
Walker, R.
Wallace, R.
Westenra, hon. H. R.
White, A.
Wood, G. W.
Wood, B.
Worsley, Lord
Wrightson, W. B.
Yates, J. A.

TELLERS.
Dalmeny, Lord
Tufnell, H.

Clause agreed to.

On Clause 45, providing that the profits of suppressed canonries should be vested in commissioners,

Sir *R. Inglis* entertained fundamental objections to this clause, as well as to the whole principle of the bill, because it sought to merge into a common fund properties conferred by the donors upon individuals, and which was alien to the intention of the original bequests. The object of the bill was, no doubt, a good one, but the property affected by the bill was about to be placed under the control of persons who did not command his confidence. However reluctant he was to trouble the House with a division, yet he felt himself impelled by a strong sense of duty to do so, and to move that the clause be omitted.

The Committee divided on the question that the clause stand part of the bill:—Ayes 48; Noes 14—Majority 34.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Alston, R.
Archbold, R.
Barnard, E. G.
Bewes, T.
Bowes, J.
Bridgeman, H.
Brotherton, J.
Busfield, W.
Dundas, Sir R.
Fitzsimon, N.
Goulburn, rt. hon. H.
Greenaway, C.
Grey, rt. hon. Sir. G.
Hector, C. J.
Hobhouse, T. B.
Horsman, E.
Hume, J.
Kemble, H.
Knight, H. G.
Lambton, H.
Melgund, Viscount
Morris, D.
Musket, G. A.
Nagle, Sir R.
Nicholl, J.
Power, J.
Pryme, G.
Rundle, J.
Russell, Lord J.
Somers, J. P.
Stanley, hon. E. J.
Stock, Dr.
Thornely, T.
Troubridge, Sir E. T.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Westenra, hon. H. R.
Williams, W.
Williams, W. A.
Wood, G. W.
Wood, B.
Wrightson, W. B.
Wynn, rt. hon. C. W.
Yates, J. A.
Young, J.

TELLERS.
Parker, J.
Tufnell, H.

List of the NOES.

Acland, Sir T. D.
Buller, Sir J. Y.
East, J. B.
Estcourt, T.
Feilden, W.
Gladstone, W. E.
Glynne, Sir S. R.
Palmer, G.
Parker, R. T.
Perceval, Colonel
Polhill, F.
Round, J.
Rushbrooke, Colonel
Sibthorp, Colonel

TELLERS.
Ackland, T.
Inglis, Sir R. H.

Clause agreed to.

On the 55th Clause, providing for the augmentation of smaller dignities from the surplus of larger dignities,

Mr. *Lambton* moved the following amendment:—

"Provided nevertheless, that before such fixed annual sums as aforesaid, under the control of the said commissioners (being any portion of the revenues of the larger deaneries and canonries), shall be paid to the holders of the smaller deaneries and canonries respectively, consideration shall first be had by the said commissioners, in the manner hereinafter provided, to the local parochial exigencies of the dioceses from which such revenues are respectively derived."

The alienation, he said, of any part of the church revenues from the diocese to which it originally belonged was injurious to the service of the Church; and this evil had been particularly felt in the county to which he had the honour to belong. The Bishop of London was one of the commissioners, and yet he had in his own diocese acted on a different principle from that laid down in the present bill. That right rev. Prelate had introduced a bill, which had passed the House of Lords and a first reading in the Commons, providing for the sale of the prebendal estate of Finsbury, and the application of the proceeds to the increase of small livings within five or six miles of Westminster and St. Paul's. This was a just principle, and, as he wished to see it generally acted on, he proposed his amendment.

Mr. *A. White* supported the amendment. He was in the possession of collieries in the district of Durham, and he knew there was need of religious instruction among the population.

Lord *J. Russell* said, the bill now proposed to increase the incomes of such canonries as were retained and fell under 70*l.* or 80*l.* a-year to 500*l.* out of the revenues of the larger chapters, and it was also provided, that there should be no dean with a less income than 1,000*l.* a year. If the hon. Member's amendment were carried, it would entirely destroy the arrangements of the bill.

Lord *Teignmouth* observed, that the instance referred to by the hon. Member was a peculiar case. The Bishop of London had been zealous in promoting the building of several new churches, but had been unable to procure for them a greater endowment than 50*l.* a-year. It was to supply this deficiency that the bill referred to had been introduced.

The Committee divided on the question that the proviso be added:—Ayes 15; Noes 50—Majority 35.

List of the AYES.

Acland, T. D.
Attwood, W.
Bowes, J.
Bruges, W. H. L.
Buller, Sir J. Y.
East, J. B.
Estcourt, T.
Evans, W.
Hodgson, R.
Inglis, Sir R. H.
Palmer, G.
Parker, R. T.
Round, J.
Wrightson, W. B.

TELLERS.
Lambton, H.
White, A.

List of the NOES.

Aglionby, H. A.
Archbold, R.
Baring, rt. hn. F. T.
Barnard, E. G.
Barry, G. S.
Benett, J.
Bridgeman, H.
Burroughes, H. N.
Busfield, W.
Byng, G.
Clay, W.
Ferguson, Sir R. A.
Fitzsimon, N.
Goulburn, rt. hon. H.
Greenaway, C.
Hector, C. J.
Hobhouse, T. B.
Hodges, T. L.
Hume, J.
James, W.
Kemble, H.
Knight, H. G.
Lushington rt. hon. S.
Morris, D.
Muntz, G. F.
Muskett, G. A.
Nicholl, J.
Palmerston, Viscount
Phillpotts, J.
Power, J.
Pryme, G.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Somers, J. P.
Teignmouth, Lord
Thornely, T.
Tufnell, H.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Warburton, H.
Westenra, hon. H. R.
Williams, W.
Williams, W. A.
Wood, G. W.
Wood, B.
Yates, J. A.
Young, J.

TELLERS.
Parker, J.
Adam, Admiral

Clause agreed to.

On Clause 64, saving existing interests,

Sir Robert Inglis proposed to add the words "day of the passing of this act."

The Committee divided on the question that the words be inserted:—Ayes 16; Noes 52—Majority 36.

List of the AYES.

Attwood, W.
Blair, J.
Broadley, H.
Bruges, W. H.
Buller, Sir J. Y.
East, J. B.
Estcourt, T.
Hodgson, R.
Palmer, G.
Parker, M.
Parker, R. T.
Perceval, Colonel
Pollen, Sir J. W.
Round, J.
Thompson, Mr. Ald.
Trevor, hon. G. R.

TELLERS.
Inglis, Sir R. H.
Acland, T. D.

List of the NOES.

Aglionby, H. A.
Archbold, R.
Baring, rt. hon. F. T.
Barry, G. S.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Burroughs, H. N.
Busfield, W.
Byng, G.
Clay, W.
D'Eyncourt, rt. hon. C. T.
Douglas, Sir C. E.
Evans, G.
Evans, W.
Finch, F.
Eitzsimon, N.
Gordon, R.
Goulburn, rt. hn. H.
Harcourt, G. G.
Hector, C. J.
Hobhouse, rt.hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
James, W.
Kemble, H.
Knight, H. G.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Muntz, G. F.

Pechell, Captain
Philips, G. R.
Pryme, G.
Russell, Lord J.
Salwey, Colonel
Sheil, rt. hon. R. L.
Somers, J. P.
Stewart, J.
Troubridge, Sir E. T.
Verney, Sir H.
Vigors, N. A.
Wakley, T.
Westenra, hn. H. R.
White, A.
Williams, W.
Williams, W. A.
Yates, J. A.

TELLERS.

Parker, J.
Tufnell, H.

Clause agreed to.

On Clause C, to be added, "seven canonries to be suppressed at Winchester,"

Mr. *Aglionby* objected to the clause, the object of which was, to preserve an additional stall in Winchester Cathedral, to enable the Bishop of that diocese to fulfil a bargain he had made with the Archdeacon of Surrey for the patronage of the living at Farnham. The ecclesiastical commissioners recommended that eight out of the twelve stalls in Winchester Cathedral should be abolished. By the clause now brought up it was proposed to abolish seven only. He objected to this departure from the recommendation of the commissioners, and, if the clause were persisted in, he should take the sense of the Committee against it. He moved to substitute the word "eight," as the number of canonries which should be reduced at Winchester. The Committee divided on the original question:—Ayes 75; Noes 15—Majority 60.

List of the NOES.

Acland, T. D.
Adam, Admiral
Archbold, R.
Attwood, W.
Bailey, J.
Baring, rt. hon. F. T.
Basset, J.
Blair, J.
Briscoe, J. I.
Broadley, H.
Bruges, W. H. L.
Buller, Sir J. Y.
Burroughes, H. N.
Busfield, W.
Byng, G.
Chalmers, P.
Clay, W.
Cochrane, Sir T. J.
Douglas, Sir C. E.
Dundas, Sir R.
Dundas, D.
East, J. B.
Estcourt, T
Evans, W.
Fitzsimon, N.
Gordon, R.
Goulburn, rt. hon. H.
Greene, T.
Harcourt, G. G.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hodgson, R.
Horsman, E.
Howard, hon. E. G.
Hurst, R. H.
Inglis, Sir R. H.
James, W.
Kemble, H.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Mordaunt, Sir J.
Moreton, hon. A. A.
Morris, D.
Oswald, J.
Parker, R. T.
Perceval, Colonel
Philipps, Sir R.
Philips, G. R.
Pigot, D. R.
Rae, rt. hon. Sir W.
Rawdon, Col. J. D.
Rolleston, L.
Round, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Sheil, rt. hn. R. L.
Sheppard, T.
Smith, R. V.
Stanley, hon. E. J.
Stanley, hon. W. O.
Stock, Dr.
Thompson, Mr. Ald.
Troubridge, Sir E. T.
Vere, Sir C. B.
Verner, Colonel
Verney, Sir H.
Vigors, N. A.
Vivian, Major C.
Vivian, rt. hn. Sir R. H.
Waddington, H. S.
Westenra, hn. H. R.
White, A.
Williams, W. A.
Young, J.

TELLERS.

Parker, J.
Tufnell, H.

List of the NOES.

Berkeley, hon. C.
Bridgeman, H.
Brotherton, J.
Finch, F.
Hector, C. J.
Hobhouse, T. B.
Muntz, G. F.
Muskett, G. A.
Pryme, G.
Salwey, Colonel
Talbot, C. R. M.
Wakley, T.
Williams, W.
Wood, B.
Yates, J.

TELLERS.

Aglionby, H. A.
Pechell, Captain

Clause agreed to. Remaining clauses agreed to.

Bill to be reported. House resumed.

POOR-LAW COMMISSION.] On the question that the House should go into Committee on the Poor-law Commission Bill,

Mr. *Burroughes* rose to move the instruction of which he had given notice. He thought it an extraordinary circumstance, that the number of assistant commissioners should be so many as seventeen, while by the Poor-law Amendment Act the power to appoint assistant-commissioners given to the chief commissioners was limited to nine, which number they were not to exceed without the consent of the Lords of the Treasury. He found, as he had stated, that the number had been nearly doubled, while the necessity for the assistant-commissioners was now almost done away with. The whole number of parishes that had been united was 13,691, and of these to be hereafter united there was only 799. The hon. Member moved, that it be an instruction to the Committee that they have power to introduce a clause authorizing the boards of guardians, if they shall see fit, to administer relief to widows with families without compelling them to come into the workhouse, although such widows shall not reside within the union in which they have a legal settlement.

Lord *John Russell* said, that the proposed resolution did not properly belong to the present measure, but was one which might fairly be discussed as an amendment upon the Poor-law Amendment Act. In regard to the particular proposition of the hon. Member, he did not see any reason why they should interfere on the subject. Orders had been given to relieve widows resident within the union; but with regard to those who were non-resident, he thought the general rule was, that they had no claim to relief. Any departure from that rule, he was afraid, would lead to very great abuses. It had frequently happened that those who were non-resident had come to the union and represented themselves as paupers, while, in fact, they were earning good wages in a neighbouring district. There was no mode in which imposition was more likely to take place than by relieving such persons. For these reasons the commissioners did not think it necessary to extend relief to such cases, and for himself he did not think it expedient to introduce any special provision on the subject.

Mr. *Darby* could not agree with the noble Lord as to the nature of the proposed instruction. He thought that widows who had obtained situations out of the unions in which their children resided, would often be greatly benefitted by receiving assistance from that union, and as to the frauds practised upon the guardians, it was generally their own fault, as it was their duty to make every inquiry before granting relief.

Mr. *Hume* had been informed, by different guardians of the poor, that they had not seen the assistant-commissioners, nor heard of them, for many months. He could not, then, see the use of the large number of commissioners proposed by the bill. He deeply regretted that the other bill on this question had not passed, as various complaints had been made of the want of powers in the commissioners to carry out what he believed to be a correct system of Poor-laws.

Lord *Worsley* said, that the guardians had, in many instances, received great assistance from the assistant-commissioners, but he was informed, that for some time past they had not been seen or heard of. He hoped, therefore, that as the necessity for their services was diminished, the assistant-commissioners would be discontinued.

Mr. *W. Attwood* was surprised that the noble Lord (Lord J. Russell) should object to the motion of the hon. Member for Norfolk on the ground of informality. If the House should support the noble Lord in that objection, there would be at once, for this Session, an end to every possibility of that control being exercised by the House over the proceedings of the Poor-law Commissioners which was originally contemplated, and which circumstances had shown to be absolutely necessary. As regarded the instruction moved, the reports of the Commissioners laid on the table of the House during the present Session, proved that it was imperatively called for. The committee of 1838 recommended strongly that widows, with families, should be, in deserving cases, relieved out of the workhouse. The Commissioners had not attended to that recommendation. On the contrary, in their reports presented this year, they referred expressly to the case of widows with families; they stated, that there were no less than 28,880 able-bodied widows (such was the expression of the Commissioners) with large families receiving out-door relief; that the workhouse test ought to be strictly applied, and all out-door relief withdrawn, and that thus the country would be relieved from a great expense with which it was fraudulently burthened. To such a ridiculous extent, ridiculous, at least, if not attended with so much misery, did the Commissioners proceed in carrying out their favourite principles, that they complained that some of those widows worked for almost incredibly small sums, in order to eke out the small pittance received from the guardians. Instead of giving these poor persons credit for their industry, the Commissioners pointed it out as a serious evil, and stated gravely the low rate at which stays and shirts were made as an especial grievance. There were other instances of the manner in which the Commissioners had neglected the opinion of the House, as expressed in the report of the committee of 1838. That committee came to the resolution that, under the New Poor-law, relief to the aged and infirm had been administered more freely than under the old law, that relief in those cases was generally given out of the house, and the committee approved and recommended the continuance of this system. Had the Commissioners attended to this recommendation? On the contrary, they appeared to have considered this approval of their liberality a tacit censure, and at once commenced an investigation on the subject. They now report that they find that about 290,000 aged and infirm persons are relieved out of the workhouse, and that of these about 80,000 are partially able to work, and they recommend, that in these cases the workhouse test should be applied, that out-door relief should be withdrawn, or, if continued, that the parties receiving it should be forbidden to work. Instead of approving the industry which urged persons broken down by age and infirmity still to use their remaining strength in contributing to their own support, they propose to refuse all relief except on the condition of entire idleness. Again, in the case of medical relief, the committee of 1838 reported that the medical officers were too poorly paid, and that the districts were too large. After two years' deliberation, the Commissioners state that they find this to be the case, that the medical officers do not receive one-half what they ought to receive, and that the districts require to be reduced; but up to this time, no steps have been taken to reduce the districts or increase the pay. According to evidence given, one-fifth of the deaths in this country take place under parochial medical officers; it was, therefore, of material importance that the medical attendance provided should be ample and skilful; and it was now admitted by the Commissioners themselves, that under their system the medical officers had more duties to perform than they could properly discharge, and had not received one-half the remuneration to which they were entitled. For two years this state of things had been allowed to continue, after a distinct report from a committee of that House on the subject. And notwithstanding the present admission made by the Commissioners of the inadequacy of the system of medical relief, he must remind the House, that in 1836 or 1837, these very Commissioners had reported that they had inquired into the complaints made on this subject, and were satisfied that the best arrangements were adopted, and that the system was perfectly efficient. He had gone into these general observations in order to show that it was essentially requisite that this House should exercise its powers of superintendence and control over the proceedings of the Commissioners, and not trust to general assurances. Unless, therefore, the noble Lord would give the assurance that the recommendations of the committee of 1838 should be carried into effect, he and many others would be compelled to oppose the present measure on the third reading, as the only mode by which they could hope to establish that authority over the proceedings of the Commissioners which was contemplated by the Poor-law Amendment Act, but which in the manner he had explained, had been practically set aside.

Mr. *Slaney* considered that the principle of aiding able-bodied labourers out of the workhouse was most injurious, and had pauperized those whom it was intended to relieve. The same principle applied to able-bodied women. An independent female would, by that principle, be undersold by those who were aided by poor-rates.

Mr. *Wakley* hoped the House would adopt the instruction. It was said, that this was not a time proper to introduce such a clause; but when would be the proper time to introduce it? Would the noble Lord promise to introduce it next year? He would do no such thing. He hoped that by next year the Legislature would abandon the entire system; for he said it had entirely failed—it had not fulfilled the prediction made respecting it—namely, that the wages of the poor would be increased. It had been proved that the wages of the poor had not increased. As this provision had humanity for its basis, he trusted that it would not be opposed by the noble Lord.

Mr. *B. Wood* was dissatisfied with the expense entailed upon the country by the Poor-law commissioners. They cost the country 25,717*l.* He was sure that the number of the commissioners could be easily reduced.

The House divided:—Ayes 34; Noes 60: Majority 26.

List of the AYES.

Bailey, J.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Cochrane, Sir T. J.
Darby, G.
Douglas, Sir C. E.
Elliot, Lord
Fielden, J.
Gaskell, J. Milnes
Hodges, T. L.
Hodgson, R.
Holmes, W.
Houstoun, G.
Hughes, W. B.
Kemble, H.
Mackenzie, T.
Mordaunt, Sir J.
Morris, D.
Muntz, G. F.
Palmer, R.
Parker, R. T.
Pringle, A.
Rae, rt. hon. Sir W.
Rolleston, L.
Round, J.

Rushbrooke, Col.
Sheppard, T.
Sibthorp, Col.
Thompson, Mr. Ald.
Vere, Sir C. B.
Vigors, N. A.
Waddington, H. S.
Wakley, T.

TELLERS.
Burroughes, H. N.
Attwood, T.

List of the NOES.

Aglionby, H. A.
Archbold, R.
Baines, E.
Baring, rt. hon. F. T.
Berkely, hon. C.
Bernal, R.
Blair, J.
Bramston, T. W.
Buller, E.
Busfeild, W.
Campbell, Sir J.
Clay, W.
Dundas, Sir R.
Dundas, D.
Evans, W.
Ferguson, Sir R. A.
Fitzsimon, N.
Greene, T.
Hobhouse,rt.hon.SirJ,
Hobhouse, T. B.
Hope, hon. C.
Horsman, E.
Howard, hn. Ed. G. G.
Hume, J.
Hurst, R. H.
James, W.
Macaulay, rt. hon. T.
Morpeth, Visc.
Muskett, G. A.
Pakington, J. S.
Palmerston, Visc.
Pechell, Capt.
Pigot, D. R.
Price, Sir R.
Pryme, G.
Rawdon, Col. J. D.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Seale, Sir J. H.
Seymour, Lord
Shaw, rt. hon. F.
Slaney, R. A.
Smith, J. A.
Smith, R. V.
Stanley, hon. W. O.
Steuart, R.
Talbot, C. R. M.
Thornely, T.
Tufnell, H.
Vivian,rt.hon.SirR.H.
Wallace, R.
Warburton, H.
White, A.
Williams, W. A.
Wood, B.
Worsley, Lord
Yates, J, A.
Young, J.

TELLERS.
Gordon, R.
Parker, J.

House in Committee.

On the first clause,

Lord *J. Russell* said, it had been made a matter of complaint that the number of assistant-commissioners was too great, and it was supposed that these assistant-commissioners had nothing to do after the formation of the Poor-law unions. The Poor-law commissioners, however, asserted the contrary. The subject would undergo a strict inquiry, and if a reduction in their number could be made, it would be carried into effect.

Mr. *Hume* said, the present number of assistant-commissioners was seventeen, the original number having been nine. He thought that was a proper number for the House to adopt; he should therefore propose to add these words to the first clause :—" Provided also that the number of such assistant-commissioners shall not, after the 31st of March, 1841, exceed nine."

Mr. *Law Hodges* hoped his hon. Friend would not, after what had fallen from the noble Lord, press his amendment.

Mr. *Benjamin Wood* was inclined to support the amendment, for he believed that the boards of guardians could carry the Poor-law into effect, as well without the aid of assistant-commissioners as with it. There was very little left for the assistant-commissioners to do, there being only 799 parishes throughout England that had not been incorporated with the unions.

Sir *R. Price* thought the hon. Member for Kilkenny ought to be satisfied with the declaration made by the noble Lord, that the Government would not allow more assistant-commissioners than were absolutely necessary to carry this great measure into effect.

Mr. *Hume* was as great a friend to the principle of the Poor-law as any man, and his wish was to make it popular, by rendering it as cheap in its administration as possible. What had been said by the noble Lord, appeared to him very fair, and was a good ground for him to withdraw his amendment.

Hon. Members would not allow the amendment to be withdrawn, and the Committee divided on the question, that the proviso be added: Ayes 11; Noes 61: Majority 50.

List of the AYES.

Attwood, W.
Douglas, Sir C. E.
Finch, F.
Muntz, G. F.
Parker, R. T.
Pechell, Capt.
Round, J.
Rushbrooke, Col.
Vigors, N. A.
Wakley, T.
Wood, B.

TELLERS.
Sibthorp, Col.
Hodgson, E.

List of the NOES.

Aglionby, H. A.
Archbold, R.
Bailey, J.
Baines, E.
Baring, rt. hon. F. T.
Berkeley, hon. C.
Bramston, T. W.
Brotherton, J.
Buller, C.
Buller, E.
Busfeild, W.
Clay, W.
Cochrane, Sir T. J.
Darby, G.
Eliot, L.
Evans, W.
Ferguson, Sir R. A.
Gordon, R.
Hobhouse, rt. hn.SirJ.
Hobhouse, T. B.
Hodges, T. L.
Holmes, W.
Hope, hon. C.
Horsman, E.
Houstoun, G.
Howard, hn. E. G. G.
Hughes, W. B.
Hume, J.
Hurst, R. H.
Macaulay, rt.hon.T.B.
Mordaunt, Sir J.
Morpeth, Visc.
Muskett, G. A.
Pakington, J. S.
Palmerston, Visc.
Perceval, Col.
Pigot, D. R.
Price, Sir R.

Pringle, A.
Pryme, G.
Rae, rt. hon. Sir W.
Rolleston, L.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Salwey, Col.
Sanford, E. A.
Seale, Sir J. H.
Seymour, Lord
Shaw, rt. hon. F.
Slaney, R. A.
Steuart, R.
Talbot, C. R. M.
Tufnell, H.
Waddington, H. S.
Wallace, R.
Warburton, H.
Williams, W. A.
Wood, G. W.
Worsley, Lord
Young, J.

TELLERS.

Stanley, hon E. J.
Parker J.

Original Clause agreed to.

House resumed.

Bill to be reported.

HOUSE OF LORDS,

Friday, July 10, 1840.

MINUTES.] Bills. Read a first time:—Sale of Beer.—Read a second time:—Masters in Chancery.

TIMBER SHIPS.] On the motion of Viscount Duncannon, the House resolved itself into Committee on the Timber Ships Bill.

On the first clause,

Lord *Colchester* rose for the purpose of moving the omission of certain words in order that its operation might be more extensive. The object of the bill was to prevent the great loss of vessels employed in the transportation of timber from North America. In the last session a committee of the House of Commons had been appointed to inquire into the subject, and from the evidence adduced before that committee it appeared that the loss of vessels employed in this trade had for a series of years been lamentably great. The committee, in their report, state—

"In 1838, eighteen ships are reported as wrecked on the shore, and forty-eight at sea; of twenty-seven of which there had been no accounts of the crews; of the remaining twenty-one the sufferings of the crews of two had been extreme; in one, the Earl Moira, four bodies only having been found under the maintop, all dead, with part of one of their comrades hung up like butcher's meat in a stall; and in the other, the Anna Maria, five bodies were found dead, with part of the leg of a woman by the side of one of them, who had evidently been feeding upon it; and one more, the Frederick, of St. John's, fallen in with by the Hope, with her crew lashed to the maintop, without the power of assisting them."

The noble Lord quoted other passages from the report to show that no less than 73 ships, with crews amounting to 949 men, were lost in three years. The committee having thus stated their opinion that the carrying of deck loads of timber was the cause of such a fearful loss of life and property, an act was passed, in conformity with their recommendation, confining to the summer months the liberty of loading the decks with timber, and excluding the winter months. That measure, however, only applied to vessels crossing the Atlantic to the ports of the United Kingdom, and he wished to extend it to vessels proceeding to the West India colonies. He should, therefore, propose to strike out the word "any ports of the United Kingdom," for the purpose of rendering the provisions of the bill more extensively efficient.

Viscount *Duncannon* believed, that the noble Lord had not exaggerated the extent of the losses sustained in this particular trade; and he also was of opinion that those losses were occasioned by piling up large quantities of timber on the decks of these vessels. He was anxious to adopt any measure that appeared likely to check such an evil; but many difficulties presented themselves against adopting the proposition of the noble Lord. Last year, when the subject was under consideration, the strongest possible representations were made to the Government from Nova Scotia and New Brunswick, all of them setting forth, that if the bill was attempted to be applied to the colonial passages of timber ships, it would, in fact, put an end to that part of the trade between North America and the West Indies, which was one of the most important portions of their traffic. He could not, therefore, agree to the amendment.

Lord *Ashburton* concurred in the observations of the noble Viscount: if the restriction, with respect to deck-loading, were extended to timber ships bound to the West-India colonies, it would immediately put an end to the trade in lumber.

Amendment withdrawn, bill went through Committee.

House resumed.

TEETOTALERS (IRELAND).] The Marquess of *Westmeath* said, he saw by the papers of this day a proclamation, purporting to have been issued by the Lord-lieutenant of Ireland, on the subject of what was called "the Teetotalers' pledge."

If that proclamation was authentic, it contained one sentence which he must say greatly surprised him, and which he much regretted to see. The passage was this:—"To the benefit which the temperance pledge has conferred upon Ireland in the improved habits of the people, and the diminution of outrage, his excellency bears a willing and grateful testimony." With respect to the merits of sobriety, he would not say one word; but it astonished him to find the representative of the Sovereign expressing his approbation of what was called "the Temperance pledge," which he considered to be nothing else than a piece of mere slipslop. The necessity of cultivating sobriety was, or ought to be, impressed on the mind of every Christian. He thought that the noble Lord was trifling with the duties of his high office when he expressed his approbation officially of a Popish device. A sort of popularity might be gained by the course which the noble Lord had taken; but it was that species of popularity which he believed individuals in that House would seek to gain. He asked whether the proclamation were authentic or not.

The Marquess of *Normanby* had received no official information on the subject. He had, however, seen the proclamation, and he had no reason to doubt its authenticity. He believed, that the pledge to which the noble Marquess alluded had produced very great and beneficial effects. He would not dispute with the noble Marquess about the "pledge" being "slipslop;" but he would say, that from all the information which he had received on the subject, he was convinced that a most beneficial change had been effected amongst the people by what the noble Marquess had been pleased to denominate a "Popish device."

The Duke of *Wellington* said, the proclamation contained matter more worthy of observation than that to which the noble Marquess had referred. He alluded to the new law which it laid down. The old doctrine was, that the assembling of large bodies of people to create terror was illegal, and it was forbidden. Here, however, it appeared that large bodies of people, sufficient to create terror, had assembled — as, in the town of Clonmel, where a large procession sufficient to create terror had assembled: but those assemblages appeared not to have been forbidden on that account, but on account of their wearing certain badges. The best course would be, not to allow the people to assemble, under any circumstances, in such numbers as to create terror. That was the true doctrine of the law he believed; but not a word was said upon that point in the proclamation.

The Earl of *Devon* confessed that he had heard with great regret the observations of the noble Marquess. He was sorry that it should go forth that one of the Members of their Lordships' House had expressed such an opinion of what had been beneficially going on for some time in Ireland. He did not wish to commit himself by speaking decidedly; but his individual opinion was, so far as he had an opportunity of judging, that a great and substantial good had been done. He believed that it had been effected by perfectly legitimate means and legitimate exertions, and that it was as little connected with fanaticism, with party, or with appeals to religious feelings of a peculiar character, as could be imagined. He had himself heard Father Mathew address the people; and his manner was such as any noble Lord who heard him might adopt in addressing a public body in support of such an object. It was, he conceived, *pessimi exempli* to speak in reproachful terms of that which had been productive of very great good.

The Earl of *Wicklow* differed in opinion from the noble Marquess (Westmeath). He thought that the temperance societies were calculated to effect much good, and the individual who had devoted himself to the futherance of the plan deserved the greatest praise for what he was doing. The temperance societies, he believed, were set on foot with the best motives, but there were parties who would not scruple to make them subservient to other purposes, and use them as instruments to create alarm.

The Marquess of *Westmeath* did not wish to withdraw any expression he had used, because he had expressed the sentiments of his mind. He had formerly stated, that he loved sobriety as much as any man, and that he sincerely wished the people to abstain from drunkenness. He did not regret that the people should be sober; but he did not approve of the Lord-lieutenant of Ireland, by an act of his government, bringing prominently forward this "Temperance pledge" as the great means of amending the morals and manners of the people.

Subject dropped.

Church of Scotland.] The Earl of *Aberdeen* would take the opportunity of answering a question which was addressed to him by a noble Duke on the cross bench the other day, and which he could no longer defer answering, although he perceived the noble Duke was not then present. The question referred to the future progress of the Scotch Churches Benefices Bill, and, upon the best consideration which he could give to the subject, he had come to the conclusion, although very reluctantly, that it would not be expedient for him to press the third reading of the bill during the present session. Their Lordships were aware that this measure was opposed by the majority of the General Assembly on the ground of its unwarrantable interference with the spiritual independence and proper jurisdiction of the Church, and indeed he (the Earl of Aberdeen) had been described in consequence of having brought this bill into Parliament as the enemy and persecutor of the Church. Their Lordships were also aware that out of the Church of Scotland the only reason assigned for offering any opposition to the measure was, that it conceded too large powers to the Church, and recognized an extent of jurisdiction that was quite unjustifiable. Now, he had endeavoured to show, and he thought had shown, that an opinion of this kind was without foundation, but he would admit, that if he had erred at all, it was undoubtedly on the side of a too large and liberal concession to the Church of Scotland. The pretensions of the General Assembly were so manifestly unreasonable and preposterous, that if the bill had passed into a law he might safely have hoped for the acquiescence of a large body of the clergy and a majority of the laity of the General Assembly, from whom he had received several communications stating their approbation of the measure. Unfortunately, however, her Majesty's Government had thought proper to oppose the progress of this bill. Now, the measure was intended to promote peace, and he was unwilling to do anything which could deprive it of that character, more especially as he was sure that if any measure could be carried into effect which should tend to the preservation of the welfare and the interests of the Church it must be one which took for its basis the bill which he had proposed. The objection, however, which her Majesty's Ministers took to the bill, although perfectly different from those entertained by the majority of the General Assembly, still arriving at the same conclusion and practical result, he feared that the evils which he had hoped to obviate by the passing of the bill, would not be removed if he carried it in opposition to her Majesty's Government. The noble Viscount had cautiously abstained from expressing any opinion upon the merits of the bill itself, but the noble Viscount's colleagues entertained objections to the bill in consequence of the great powers which it gave to the Church. As both objections, however, agreed in their practical conclusion, he was led to fear, that at the meeting of the General Assembly next month, the same intemperate course which had already been pursued would be adopted, and the same illegal opposition offered to the law. In withdrawing this bill for the present session of Parliament, he was aware that he should excite great dissatisfaction on the part of a very numerous body in Scotland, and cause great disappointment. It was only this morning that he had received a letter from a minister in the west of Scotland, who had heard a report of his intention to withdraw the bill, and who said,

> "If this be so, I can only assure your Lordships that you will disappoint nine-tenths of the people in this district, and, I believe, in the whole of Scotland."

He had received similar letters from many other quarters, and if the noble Viscount had not thought it his duty to oppose the bill, he believed that a great proportion of the people of Scotland who had opposed the measure would have acquiesced in it. The gentleman to whose letter he had referred said,

> "It is the opinion of very many, and it is decidedly my own, that many of the clergy and elders who opposed the bill in the present Assembly would be glad of an opportunity of retracing their steps if they could do so."

He believed, that a great number of the rational and orderly members of the Church were in favour of this measure. He had been unwilling, for the reasons which he had stated, to complicate the difficulties which existed, or to create any fresh difficulty, which would rather provoke opposition than conciliate obedience, and, therefore, he should leave the law in the state in which it was before he undertook this measure, and which he begged the noble Viscount would recollect he did not undertake until the noble Viscount had said, that he would not bring forward any measure on the subject. A large party in the Church had cast in their lot with the suspended ministers, and had determined to support them in their obedience to the law of the land, which had led to the sentence of deposition. It was for the noble Viscount and the Government to consider whether such a state of circumstances as this should be permitted to continue. He must also observe, that several parishes had been vacant two or three years, and it was, he apprehended, the duty of the State to see that these parishes were filled up. He would fain hope that, although no measure had been passed in the course of the present Session, the discussions which had taken place upon this bill might not be altogether without their use. He did not inquire what had induced her Majesty's Ministers to take the course which they had chosen. It was needless to add, that the subject was one of great urgency, and he hoped that the noble Viscount would turn his best attention to it, and endeavour if possible to restore peace to the Church.

The Earl of *Haddington* could not help expressing his unfeigned sorrow at this issue of his noble Friend's disinterested exertions. Although no doubt his noble Friend was the best judge of the propriety of withdrawing his bill, he could not help expressing his conviction that this good, at least, would have resulted from discussions upon the bill in the other House of Parliament—namely, that the vehement and imprudent leaders of the dominant party in the Assembly would have plainly seen that few, indeed, were the individuals who opposed the bill upon the ground which they themselves had taken. He could not help thinking that the Ministers of the Crown had taken upon themselves a very serious responsibility in opposing this measure. He did not say, that Ministers ought to have given the measure a full and plenary approbation, but they need not have offered it any opposition, and might have left the responsibility with his noble Friend, in which case, in his firm opinion, many impending evils would have been averted. His noble Friend had been made the subject of much abuse and misrepresentation with regard to this question. But if there were anything more plain than another it was this, that the principles which he had laid down at the commencement were contained in the present bill, and that in no other way could he have fairly carried out those principles. He would add that he considered the country deeply indebted to his noble Friend, and he felt quite assured that those who had raised this opposition against him would never from any other quarter get anything so favourable as the provisions of this bill.

The Earl of *Camperdown* entirely concurred with all that had fallen from a noble Earl who had spoken last as to the conduct of the noble Earl who had introduced this bill.

MUNICIPAL CORPORATIONS (IRELAND).] Report of the Committee on the Municipal Corporations (Ireland) Bill brought up.

The Bishop of *Exeter*, in reference to a conversation which had taken place on a previous evening between him and the Marquess of Lansdowne, observed that when the noble Marquess referred to the evidence of Alderman Beresford as to the mismanagement of the property of Dublin; he forgot to quote the next words of the alderman's testimony, namely, that "he did not recollect any thing of this kind to have occurred for the last sixty years." The noble Marquess had also urged as a charge against them their granting leases to corporators. True, Alderman Beresford said this, but when? Why, these leases were made out about sixty-six years ago. All this was stated distinctly in the report of the commissioners: "But we do not find any instance of this nature occurring within the last sixty years." Was he not borne out, then, in saying that the corporation of Dublin had no charges of this kind brought against them which they were in any way bound to answer? Was it quite fair in the noble Marquess, imposed on by this garbled statement, to get up in his place, and make so strong and emphatic a charge of disingenuousness, not only against the individual who now addressed them, but also against the learned counsel.

The Marquess of *Lansdowne* had certainly referred their Lordships to the evidence lying on their table, and among the rest to that of Alderman Beresford. He did not say, that this evidence referred to recent transactions, but to the transactions of the corporation generally. But he stated that, upon the evidence of more than one alderman, they had the fact that, for the last fifty years, its interest had been mismanaged. This he had quoted to the House. He had not the papers with him, but he would be able to quote them, if necessary, hereafter. The statement of the learned counsel at the bar was contradicted as to recent circumstances in their conduct—circumstances occurring within the last ten years in the history of the court of conscience, to which neither the right rev. Prelate nor the learned counsel adverted in the history of the pipe-water, to which the right rev. Prelate did not advert, and which was displayed in repeated exactions and impositions, of which the poor were the victims.

The Earl of *Glengall* said, the noble Marquess, the Secretary for the Home Department, had been misinformed as to one of the statements which he had made on a former evening. The noble Marquess had stated that Alderman Montgomery had had an opportunity afforded him of revising the evidence he had given. Such, however, was not the case, for the commission closed its labours suddenly, and several years were allowed to elapse before the shorthand writers' notes were written out. Alderman Montgomery had never had an opportunity of revising his evidence.

The Marquess of *Normanby* would repeat that the learned counsel had stated at the bar that Alderman Montgomery had said, he had attended twenty grand juries, on each of which there were three Roman Catholics, and that statement he would again say, was not borne out by the evidence taken before the commissioners.

Lord *Lyndhurst* proposed a number of verbal amendments on the different clauses of the bill, which were agreed to, and said he would reserve those which might give rise to discussion till the third reading. The noble and learned Lord then said, he wished particularly to call the attention of the noble Viscount at the head of the Government to a defect in this measure. He must tell the noble Viscount that he would never give his assent to a bill which took away the property of any party without affording compensation. By this bill a number of persons would be deprived of their offices, and by no provision of the measure would compensation be given to those individuals. He could not consent to such injustice, and he should therefore give the noble Viscount a list of those persons whom he considered entitled to compensation, and he hoped the noble Viscount would consider the matter before the third reading of the bill.

Viscount *Melbourne* wished to ask the noble Lord whether the persons alluded to were not included under the provisions of the bills.

Lord *Lyndhurst.*—No, they are not. There were a number of persons affected by this measure who were elected to their offices from year to year, but who were entitled to expect that they would be continued in their offices during life, and who ought, therefore, to receive compensation for the loss of those offices as in the English bill. There were, in particular, two officers who would be effected by this bill, and to whom no compensation would be given as the measure at present stood. Those two persons had the power to appoint each a deputy, and those deputies held their offices for no longer period than the chiefs. In the other House a clause had been introduced by some one, he did not know for what reason, which gave compensation to the deputies, but without giving anything to those who appointed them. Such a course was extremely unjust, and he could not consent to this bill unless compensation was made to those parties to whom he had alluded.

The Duke of *Wellington* suggested the expediency of altering the taxation clause of this bill in another place, so as to reduce the power of taxation in cases where lighting, paving, cleansing, &c., were carried on under private acts, to 3*d.* in the pound, and to 1*s.* when undertaken by the corporation. He hoped the Government would take that point into consideration.

Report agreed to.

ADMINISTRATION OF JUSTICE.] On moving that the House go into Committee on the Administration of Justice Bill.

The *Lord Chancellor* said, that the committee which had sat upon this bill had suggested an alteration which he was anxious to state. The bill left the appointment of successors to the two Vice-Chancellors in the hands of the Crown, and the alteration proposed was, that the Crown should only have the power of appointing a successor to one, and that the other should in the first instance be only appointed for life, thus rendering it necessary upon his death to apply to Parliament to appoint a successor in his place.

Lord *Lyndhurst* said, that the committee had examined the whole of this subject with the greatest minuteness, and had been perfectly unanimous upon every point they suggested.

Bill passed through Committee.

HOUSE OF COMMONS,

Friday, July 10, 1840.

MINUTES.] Bills. Read a first time:—Toll on Lime; Joint Stock Banking Companies.—Read a second time:—Population (Ireland); Prisons (Ireland); Turnpike Trusts; Parliamentary Boroughs; Friendly Societies; Newgate Gaol (Dublin); Assessed Taxes Composition.

Petitions presented. By Mr. D'Israeli, from Southampton, for the Release of Mr. F. O'Connor; and from Maidstone, against the County Constabulary Police.—By Mr. Warburton, from 250 Printers, against the Copyright Bill.—By Colonel T. Wood, from St. Mary Abbott's, Kensington, against the Parochial Assessment Bill, and the Poor-law Amendment Act.—By Mr. Brocklehurst, from Silk Weavers of Macclesfield, against the Reduction of the Duties on East India Silk.—By Mr. Aglionby, from Dalston, for the Release of Political Offenders; and from Glasgow, for Universal Suffrage.—By Mr. C. Lushington, from the United Secession Synod of Scotland, against Church Extension.—By Sir S. Canning, from Kingston-upon-Hull, to secure the Independence of Cracow.

ADMINISTRATION OF JUSTICE (SCOTLAND).] On the Order of the day for the House to go into Committee of Supply being moved,

Mr. *Wallace* rose to bring forward the motion of which he had given notice, viz.—

"To call the attention of the House to the report of the select committee, appointed to inquire into the administration of the law in the Supreme Court of Scotland; and to move, that an humble address be presented to her Majesty, praying that in virtue of the provision in the Act 2 and 3 Vic. c. 36, and in consequence of the facts which have been disclosed in the evidence taken before the select committee, appointed to inquire into the administration of the law in the Supreme Court of Scotland, that her Majesty will be graciously pleased to command the thirteen judges of the said Court, to extend the period of their sitting in Court by two calendar months in each year; and that this shall be effected by extending the current summer Session by one month also. Also, to call the attention of the House to the nature and extent of the duties appertaining to the office of Lord Advocate of Scotland, with a view to their being defined and better regulated."

Availing myself, the hon. Member said, of the constitutional practice of this House, I rise for the purpose of bringing forward a case which I consider to be one of grievance to the public, and wish, in the first place, to call the attention of the House to a report which has been lately made to this House on the conduct of the judges of the Supreme Court of Scotland. At this late period of the Session, I shall endeavour to be as brief as the nature of the case will admit, while I shall, to the best of my ability, bring the question before the House in such a shape as to make it fully understood. The report to which I allude is now in the hands of hon. Members, and, in my humble judgment, is not a report, properly so called, but a running commentary, and there is no one instance in which the Chairman who prepared the report, has ventured to make reference to the particular parts of the evidence on which that report is founded. Sir, in the course of the statement which I purpose to make to this House, I shall not only allude to this report, but to the effect which the office of Lord Advocate has had as regards the judicial business performed in the Courts of Scotland, and also as regards the manner in which the business of Scotland generally is conducted in this House. Sir, I beg to assure the House and my hon. Friend the Lord Advocate, that, whatever I may say respecting his office, I shall endeavour, to the best of my ability, not to forget that position which he holds, and deservedly holds, in the estimation of the country, as a distinguished officer of the Crown, as well as a distinguished member of the College of Justice in Scotland. Many of those who belonged to the committee to the report of which I have alluded are of the legal profession, and I am bound in justice to say, that those who really did attend, gave the most patient and zealous attention to the evidence. The people of Scotland are much indebted to the members of the English and Irish bar who attended, and it will be seen that they, at any rate, fully appreciated the real objects of the committee, which were, to ascertain whether, by improving the system, and increasing with. The other four gentlemen of high the sessions, and diminishing the vacations, the number of judges might not be diminished. In the first place, the report from the Chairman, or, more properly speaking, from the Lord Advocate, upon which I am now commenting, the object appears to be, to declare, that great dissatisfaction prevails generally in Scotland as to the administration of justice, and so decidedly has that feeling pervaded the mind of the framer of the report, that the word dissatisfaction occurs not less than thirteen times in the report—there thus being one application of the term dissatisfaction for every judge in our Court. Sir, the witnesses who were brought before that committee, were, as I believe, of a very unusual kind. They were fourteen in number, and in the list there is the present Lord Advocate, the late Lord Advocate Sir William Rae, the late Solicitor-general, now Lord Ivory, Mr. Hope, the Dean of Faculty, who is at the head of the Scotch bar, and Mr. M'Neil, who, I may also say, is at the head of the Scotch bar. Here are five witnesses who have been called to speak to the propriety of diminishing the number of the judges, each of whom is an expectant in the event of a vacancy, according to the political party which happens to be in power at the time. Now, Sir, I say that this is a most extraordinary selection, and one which I must say, being made by my right hon. Friend the Lord Advocate did surprise me. The next witnesses are two official gentlemen, namely, Clerks of Court, and a third is a professional gentleman who filled the office of Secretary to the Scotch Law Commission. Now, if the position of these gentlemen be looked to, and if you are to carry out the principle that no one shall sit on the bench who has any interest in the case to be tried, I insist that the opinions of these gentlemen are not entitled to the weight which they would otherwise have had. On the other hand, I produced only five witnesses out of the fourteen. I thought it vain to seek for witnesses among the profession of advocates, but sought them in the profession known in this country by the title of solicitors, who can have no interest in the situation of a judge. One of these gentlemen admitted, that if the business of the Court of Session was no better done than it is at present, one Court of Review could be very easily dispensed legal information and constant practice in the courts, and whose testimony could not be shaken or impugned, distinctly, and in the strongest terms declared, that nine judges would not only do the whole duties of the Court of Session, but would do it in a much more satisfactory manner than thirteen. This evidence should have the greatest credit attached to it, because these gentlemen have no personal interest in the matter, whether there be thirteen or thirty judges, while it signified very much to the first five witnesses, if not to more of them, who at some future period, would certainly be considered eligible candidates for any vacancies that might occur. I will beg the House to look to the proceedings of this committee, and they will there find a circumstance which to me appears quite unprecedented, namely, that a question put by a member of the committee, has been expunged by an unanimous vote of that committee, the Member excepted, who had put the question. Now Sir, I must here read to the House the question so expunged. The question was this, and put by myself:—It appears, among other correspondence in what is commonly called the Corehouse Papers, that Lord Corehouse, having been struck with a permanent infirmity, was not in court after the 26th of January last year, from which date nearly one half of the actual judicial sittings of the long winter Session was unexpired; and he was advised by two of his brethren on the bench, that the Lord President and Lord Gillies."—

Mr. Sergeant *Jackson:* Sir, I rise to order. I would submit whether it be competent for an hon. Member to read and discuss in the House a question which was considered irrelevant by the committee, and was expunged by them.

The *Speaker* said, if he understood the question rightly, it was, whether the hon. Member could read that part of the examination taken before the committee which was expunged, and therefore did not form part of the report. That course might certainly be an inconvenient one, but he was bound to say, that he thought the hon. Member quite in order in adopting it.

Mr. *Wallace*—Sir, if the rule had been otherwise, where, I would ask, is a Member of committee to seek for justice? I come here for justice. Now, I will proceed with the question—this is where I stopped :—

"The Lord President and Lord Gillies, and also by yourself, to retain his situation, and withhold his resignation till after the Summer Session; those two periods of absence being equal, together, to about two-thirds of the judicial year. Can you inform this committee if this advice was offered in the conviction that Lord Corehouse's services could be dispensed with, and that three Judges had been sufficient and would be found sufficient in his absence, to carry on the business of the Court during the long period specified?"

Now, I submit that this was a most proper question, because it goes to prove that the Court had been thoroughly well conducted, and justice duly administered without any fault being found by suitors, the profession, or Judges, during two-thirds of a year, in the absence of that very learned judge. That, therefore, is sufficient to show that one of the judges might be dispensed with. Now, in passing, I may just say, that the evidence which was tendered by the Professor of Scotch Law was of a nature highly creditable to that gentleman's head and heart, and would convince any set of men who look to the subject dispassionately, that the Courts of Scotland now require, and have long been in need of, a great deal of amendment. That learned individual, be it remarked, is a disinterested person; he was not looking for office; he had no expectations of being raised to the bench; he is a distinguished member of the bar; and the evidence is of great importance, as it goes to shew that the whole system of our jurisprudence is extremely defective. The report of the Scotch Law Commission in 1834, is to the same effect, and the same thing will be found upon looking to the volume of the *Edinburgh Review*, referred to in the evidence which was expunged, the author of the article being none other than the present Lord Jeffrey; and if hon. Members are anxious to pursue the matter further, and will look further into the ninth volume of the *Edinburgh Review*, a work so obnoxious to some hon. Members of the late Committee, when expressing opinions contrary to their views for the moment, they will there find, even at that distant time, the Court was in the same disrepute as it is now, and in which it will most assuredly remain if the judges are allowed in future to jog on as they do at present, which it is understood is the Lord Advocate's proposal and advice to the Government. On the part of the people of Scotland I insist, that the course pursued by the Scotch judges ought to be altered and their number decreased. The present number of the judges in Scotland is thirteen, and it is the general opinion of all but Edinburgh lawyers that nine would be quite sufficient. Sir Islay Campbell, that highly distinguished judge, and many years President of the Court of Session, was of opinion in 1785 that ten judges would be quite sufficient, at which time the business was far greater than it is at the present moment. The business of the Court has been regularly decreasing for forty years; it has decreased in series of years, and continues to decrease year by year; and yet in the face of this there is a determination on the part of the Ministers and the Lord Advocate to maintain the patronage of thirteen judges. It has been made plain that twelve judges, in the absence of Lord Corehouse, did the duties last year by sitting 113 days, and two or three hours daily; and yet it would seem that thirteen judges must be continued. The returns to this House and the evidence in this respect will show the enormous arrear of business in the courts of the Lords Ordinary; but this exists in three courts only out of five, for I am credibly informed, and shall endeavour to prove it by a return, that two out of the five Lords Ordinary are not intrusted with a single case for debate, but merely with matters of routine, quite unfit to occupy any other but Scotch Judges. Thus three Lords Ordinary, sitting 103 days only in the year, perform the whole judicial business of these Courts, to which five judges are appointed. It is thus plain that while twelve did the duties last year, eleven are performing them at present. The suitors are now allowed to choose the judges before whom their causes are to be heard. How long has that been the case? Why, Sir, only two years; it is a late practice. I see my learned Friend the Lord Advocate look with surprise, but I assure him and the House that my statement is true, and that the practice is but a late one. And what is the effect of it? Just this. There are two judges who have not a single cause upon their Debate Roll, and there are several professional gentlemen now present in this House who are conversant with the practice, and may corroborate or contradict my statement. I fully believe it myself, and that it will not be contradicted. Another effect has been, that, by way of occupying the short time they sit, and as an excuse for keeping up the full court of thirteen judges, who are said to be so dreadfully hard-worked by sittings of two hours a day, they are occupied in disposing of mere motions of course, which is not, as I have stated many times before in this House, proper judicial business at all, being disrespectful to the judicial station, and ought never to come before them. One of the most accurate and intelligent of the witnesses who appeared before the committee said, upon this point, and respecting the one or two causes allowed to be tried daily, the judges were glad to spread the business they had to transact over as large a space of time as possible, so that they might have an excuse before vulgar and unprofessional eyes for keeping up their numbers. This evidently, and nothing else, was the meaning of the expressions which fell from Mr. Hunter. Then they have another way of passing their time. What do these hard-worked judges do? In place of the same set of men sitting in one court, and adjudicating upon all cases that are brought before them, they have four different courts to run about to; first, there is the Exchequer, then the First Division, then the Second Division of the Inner Court in another place, and the court of Justiciary somewhere else, but all under the same roof and adjoining each other, and all kept up for the mere sake of appearing to have something to do; they thus run about from court to court, shifting their gowns everlastingly, all to fill up time: first, they put on a black gown for one court, then a red one splashed with white, and anon, a white one spotted with something else—this is a positive fact, and is so well known that I did not think it worth while to bring it out in evidence before the committee, or that it is alleged, they are obliged to dress in those various costumes, in order that they themselves may know whether they are adjudicating in Equity or Law. In short, the whole system is a disgrace to Scotland. I may be laughed at because I, the unprofessional intermedler, as they call me, meddle with a professional subject, but I have not spent the last twenty years of my life with my eyes or ears closed. Those professional men who are present will understand when I tell the House, it was made quite plain to the committee, that in making up what is called the Record, there is often a certain process gone through for the mere purpose of getting an excuse for forcing the judges to listen to the long speeches of Counsel, so much admired by the learned Lord Advocate. The regular decrease of business has been shown by innumerable returns. Some attempt was made in the committee to throw doubts upon the accuracy of these, but it was totally unsuccessful. Then with regard to vacations and the former hackneyed excuse that the judges had a great quantity of printed papers to read; there is now no such thing, and it is the earnest desire of all parties, both in and out of court, that they should not be. Now there can be no judicial pretence for such long idleness. The learned Lord Advocate led a vast deal of evidence, showing his anxious wish to make it appear that the judges should sit to hear counsel debate matters with which they were themselves sufficiently acquainted and prepared to decide on. Now this is only one other lame excuse for keeping up the irreversible number of thirteen judges to crawl on hearing one case, or, probably, one and a quarter, as is the practice of the two Courts of Review, in a day. Sir, since this matter was last before the House I deemed it my duty to go to Edinburgh and make personal inquiry into the subject, and found that the public were much dissatisfied with the whole working of the system. I would ask where is the necessity for judges sitting as a Court of Appeal, hearing at greater length than to satisfy their own minds the arguments of counsel against the deliberate decision of one of their own number? Considering the previous ample discussion which cases receive before the Lords Ordinary and the printed papers which the judges think necessary to order in a case before them, surely it must be wholly unnecessary, and a mere waste of time, to listen to the long speeches of counsel, which, as the learned Lord Advocate lately said, never exceed fourteen or sixteen hours. Now, Sir, there is one cause of confusion and expence in these courts which is quite unknown in any other court in any country, and that is the way in which counsel are continually taken away from the bar. After a case having been proceeded with, in due form, the counsel is not allowed to go on and finish his arguments, but some one comes from some other court, and taps him on the shoulder, in the manner of a tipstaff—and away he must fly to another court, probably to plead a cause which upon some former occasion had been broken off in the same manner. The Scotch judges are exceedingly anxious to hold out the similarity of their duties to those of the Court of Chancery in this country, and are desirous of throwing dust in people's eyes, by comparing the nature of their duties to that of the Court of Chancery. Well, a comparison they shall have. Now, if hon. Members will take the trouble to listen to the Returns I am about to read as to the duties of the judges in Chancery, they will see one of the most extraordinary contrasts that could possibly arise in the advocacy of any question, and I trust this *exposé* will have the desired effect on the Ministers of the Crown, and on the judges of the Court of Session. By the Return of the Court of Session it appears the Inner houses sit five days in the week, and two hours daily for 113 days in the year. That the Lords Ordinary sit four days in the week, and four hours daily for 103 days in the year. By a Return to this House, dated 30th March, 1840, No. 178, showing the time the Masters in Chancery attend their office, independently of their duties by rotation during the sitting of the House of Lords, it appears that the days of attendance in the year vary from 165 to 221, and their hours from three and three quarters to six hours daily, averaging 188 days, and nearly five hours a day. And it appears, from other sources of information, that the Vice Chancellor and Master of the Rolls, each sit thirty hours weekly, and the Lord Chancellor twenty-five hours. The case will therefore stand thus:—

Scotch Courts—Inner Houses, 113 days; two hours daily being 226 hours in the year, or a little more than forty-five days of five hours each.

Lords Ordinary—103 days; four hours daily, or 412 hours in the year, or eighty-two days of five hours each.

Court of Chancery—Lord Chancellor, in his judicial capacity as such in the Court of Chancery or in the House of Lords, 200 days of four hours daily, or 825 hours in the year, being 165 days of five hours each.

Master of the Rolls and Vice-Chancellor, about 200 days each, five hours daily; 1,000 hours in the year, or 200 days of five hours each.

Masters in Chancery, each, on an average, sit, besides their attendance on the House of Lords during the sitting of Parliament, 188 days, nearly five hours daily, being 940 hours in the year, or 188 days of very nearly five hours each.

The House will see from this that, bad as the Court of Chancery is, it is only but half as bad as the Court of Session. The Masters in Chancery get 2,500*l.*, while the Scotch Judges get from 5,000*l.* to 3,000*l.* with a vacation of seven months in the year, and the Masters in Chancery get scarcely any vacation at all. Sir, I have already said that three Lords Ordinary do the whole of the duty, and I have said it might have been proved before the Committee that the Court has been managed with twelve Judges only, and virtually now has but eleven. It is then, Sir, very plain that fewer than thirteen Judges have carried on the business of the Scotch Courts. Again, in what way do the Judges fulfil the duty thrown on them in making laws for the guidance of persons practising under them. What have they done towards making a simple, cheap, and easily understood system of pleading in their Court? They have been permitted to make laws under the name of Acts of Sederunt, and it is a fact that those Acts have not been revised for upwards of 100 years. It is in evidence before the Committee, that no professional man, any more than the judges themselves, can tell what part of them had fallen into disuse, or what might now be cited, what was applicable, and what inapplicable; and, in short, the judges have allowed their court to get into such a state of confusion, as to have caused the very great dissatisfaction admitted by this report to exist throughout the whole country. I now wish to call the attention of the House to the fact, that upon next Saturday, the 18th inst., the thirteen judges may disperse themselves all over Europe, if they should think fit, and will not be seen in the Court-halls for the ensuing four months, at any rate. I know what my hon. and learned Friend will say on this point. He is going to tell us of a judge sitting weekly upon the bill chamber business; but I will ask him if ever the court-house doors are unlocked during the long vacation? Does not this said judge merely sit in chambers? That's my question. I say the courts are all completely shut. Now, there is another fact which I wish to mention, and I have it from very high authority. It has been often stated, and I believe with perfect justice, that the Scotch bar cannot maintain the present number of Judges. You will find it stated so far back as 1785, by Sir Islay Campbell, and corroborated in the *Edinburgh Review*, before alluded to —you will find it acquiesced in by Lord Jeffrey in that periodical, and by one whose acquaintance with jurisprudence was far greater than that of any of these; I allude to Sir Samuel Romilly, in whose memoirs it is recorded that unless political partizans were appointed, the bar of Scotland could not supply men of sufficient talent to keep up the present number of Judges. Those are authorities which I conceive to be of no small weight, and, therefore, I do say, it is for the consideration of the leader of this House, who is the adviser of the Crown, whether he cannot recommend the very small improvement, which is all I ask at present, of directing that the sittings of the Judges should be extended so far as provided for by law if the Crown shall so command. I expect I shall be told it is better to leave matters alone, and allow the Judges to make the necessary improvements. But I would ask, when have they made any improvements? That's my question. You have let them alone since 1825, when you passed the Judicature Act, and I wish to state distinctly before this House my belief that some of these learned men have often stated in private that they would not interfere by Acts of Sederunt, nor would they apply to the Legislature to explain and amend the said Judicature Act, but let the people suffer and take the consequences of Parliament interfering with their privilege of law-making, which Parliament had done in passing the Judicature Act. I do state most solemnly, that I believe they have never applied to any Lord Advocate, or stated to the Ministers of the Crown, that this Act was too stringent and unmanageable, and that they could not work under it beneficially to the public; and also that they have made no complaint, either directly or indirectly, to this House or the other House of Parliament, or the Queen's Government. No, they have sat, as I said before, in a sullen, sulky mood, and seen thousands of my unfortunate countrymen ruined entirely in trying questions of mere form. Will the learned Lord Advocate deny that? He may deny the allegation I have made, as to why they have done so; but he cannot deny the fact that thousands and thousands have been ruined by trying mere questions of form. These, Sir, are what I conceive to be the neglect, not faults of the Judges, and the reasons why I think they ought no longer to be continued in their high prerogative, but to be subjected to Parliamentary interference. If they were confined to one Court, in place of running about from Court to Court, as at present, the business of the country would be done a great deal better, if the Courts of Exchequer, the Teind Court, and Justiciary were merged into that of the Court of Session, and the duties of those several Courts done in rotation as business occurs, there would be no excuse for two co-ordinate Courts of Review—there would be no longer an excuse for thirteen Judges, and there would be an immense improvement in the administration of justice, and great saving of expense and delay to suitors and the country. I say, Sir, Parliament is bound to interfere. That such interference is necessary has been amply shown by the evidence taken before the committee, but which is not to be found noticed specifically in the Report by the Chairman, although glanced at in the last page, as much as to say, these are things which have been spoken to by the witnesses, but they were of such minor importance to the main object of counsel being allowed to speak, or rather to palaver for hours upon hours if they thought fit, whether the Judges sufficiently understood the case or not, as not worthy of grave consideration. There is another circumstance I wish to mention. I have been asked by an influential Member close by me, what I had to say to the allegation respecting the reading of long law papers? I say there should now be no long law papers. If there are still long law papers, they ought to be prohibited by the Court and not read by the Judges. Such papers are not only complained of by the suitors but by the profession, they are actually prohibited by the Act of 1825, and are repudiated strongly and most properly in this very Report by the learned Lord Advocate. There may be an excuse for the Judges retiring into the country whenever they can. No man can blame them for so doing, however much the system is blame-worthy. We all know that it is a much more pleasant thing to go into the country and amuse ourselves than to stay here and work hard, and I suppose they think the same. But when you allow men to retire for a considerable period to their country residences, they do not feel any desire to return to their studies, and I believe at the end of the Session all of us dislike these blue books (alluding to the Report which he held in his hand), a great deal less than we do at the commencement of the following one. No man desires more than I do that our Judges should be in comfortable and respectable situations—all I desire is, that they should give us more of their time in Court, whether that time should be occupied in listening to the arguments of counsel, or in giving reasons for their decisions, which latter I conceive to be far the most important. The whole drift of the learned Lord's Report is, that counsel may be allowed to talk as much as they please. The Court have long had the power to extend the Session—they have had it for many years. There are enormous arrears, and a general dissatisfaction has been expressed throughout Scotland as to the state of the business; but have the Judges listened to these by diminishing their own comforts and extending the Session? No; and the learned Lord says Government is not prepared to advise the extension of the Sessions.—Now, Sir, to show in what a state our Courts are, I have a return of the appeals to the House of Lords, from the Courts of the three kingdoms from 1823 to 1836. It is a return made by the House of Lords to the committee whose Report I am now commenting upon, and it begins in March, 1823, and ends in June, 1836. The whole number of appeals during that period from the Courts of the three kingdoms was 813. What will the House suppose was Scotland's share? Why, Sir, out of the 813, there were 598 appeals, or very nearly three-fourths of the whole from poor Scotland! Would any man credit, that our Judges are in such a state of disrepute with my countrymen, that they invariably appeal? If they can find money enough, every man of them goes to the House of Lords. There are thousands who openly declare, we do not care whether you decide against us or not, we have money in our pockets, and we will go and obtain justice from the Lord Chancellor of England. But what becomes of the poor? Our judges care nothing for them. I know of no case of any importance that has not been brought to the House of Lords. 598 appeals from Scotland out of 813 is ample proof of what sort of justice is administered, and what sort of conduct the judges show towards the people of Scotland. Now, Sir, the motion upon the paper is of a double nature. It relates not only to the duties of the Judges of the court of session, but, as I have said before, it also relates to the office of my right hon. and learned Friend the Lord Advocate. This is an office entirely unprecedented in the known world, either for its extent, its unconstitutional character, or the danger that might be anticipated if it were placed in hands that chose to wield its powers arbitrarily and tyrannically. Its powers have been wielded, so far as my recollection serves me, and I mean to confine myself to the passing of the Reform Bill, with moderation and mildness. The Lord Advocate is a public prosecutor, and a great political officer of State, possessing powers of unknown extent and magnitude. Sir, I hold it impossible for any individual to be a public prosecutor, an office which is extremely useful, and which I believe to be a great want in the jurisprudence of England, I believe it to be impossible for a public prosecutor to be connected with political affairs, as the Lord Advocate is, and at the same time to do justice to his high office. It is all very well in times of tranquillity, where no danger is to be apprehended; but there are plenty of instances in which gross tyranny and dereliction of duty has occurred, as can be testified by many hon. Members of this House. The patronage of the Lord Advocate is said to be little or nothing—perhaps it is not very visible, but it is enormous for all this—and it is well known to the people of Scotland that no man can succeed to any important situation unless by under-hand or over-hand means he is enabled to obtain the good opinion and patronage of the Lord Advocate. To show the nature and extent of his powers, I may mention that he has under him the Solicitor-general, the Crown Agent, Depute-advocates, Sheriffs, Procurators Fiscal, Justice of the Peace Clerks, Borough Court Clerks—in fact, there is no office which ever did exist in Scotland that he does not represent. And if I should call him by chance in this debate the Lord Chancellor, Privy Council, Grand Jury, Coroner, Lord Lieutenant, or Commander of the Forces by sea and land, I should make no mistake, I should be quite right. If I should go further, and add to these that he now appears to be the keeper of the conscience of the General Assembly, Monitor of the Judges of the Supreme Court, and Parliamentary Representative General for all Scotland, the House will see how far his influence and power extends. In fact, no Scotch representative can carry on successfully any public measure affecting Scotland without his nod and concurrence. In addition to these it may be said truly that he is commander-in-chief of all our Parliamentary business. No independent Member can move a peg, or get a Bill forward a single stage, without his approval, although I do not mean to say that he has been so very successful in getting his own business forward. If the Lord Advocate was an independent official personage, then he would act as the Secretary of State for Ireland does, and insist upon turn and turn about with the Scotch business in this House. He would not submit to be put aside or passed over by any man; but he is unable to do so, being so mixed up with political matters. I speak of the system, not of the man, and I must say, that I have never seen any Lord Advocate one bit better with regard to Parliamentary independence than another. My hon. and learned Friend who at present holds the office, is about as efficient as any of them; but he has much more to do than his Parliamentary duties, and if I were to move for a return of the time he has spent in the House of Commons, and the time he spends in the House of Lords, I am quite sure the return would show that he has spent thrice as much time in the latter as in the former. If I was to move for a return of the business which my right hon. Friend has conducted in the House of Lords, as the Court of Appeal from Scotland, and given his mind thereto, as compared with the time he has devoted to the business of the House of Commons, you would find, that it was ten to one—or, indeed, I dont know what the odds would be—it would be, to use a common phrase, "All England to a Magpie." The House is probably not aware, that, in his capacity of Lord Advocate, he may bring the most serious charges against the character of any man, in every station, and never bring the matter to public trial, and that without assigning any reason whatever. We have, in Scotland, a most useful officer, called a Procurator Fiscal, whose business it is to examine into crime, and prepare cases for the Crown Counsel, the Depute Advocates, and the Lord Advocate. Now, Sir, no man can demand any information as to the cases investigated by the above officer. The Lord Advocate may act in such cases, or not act at all, just as he pleases; he may try or dismiss a party, and is not subject to any action for damages for his conduct. The abuses of such a system may be carried to an enormous extent. For example: In the time when Lord Jeffrey was Lord Advocate I had occasion to apply for the particulars of a precognition taken with regard to the alleged murder of two seamen belonging to the port which I have the honour to represent. Sir, I never could get a sight of this precognition, nor was the party ever brought to trial, although the widows of the two men insisted for a public trial; the reply given me was, no, it is contrary to the ordinary course; and they would not and did not produce it. I applied again to Lord Murray, and after various tedious and protracted applications I was refused, and according to the system, properly refused; but this will be sufficient to show the House the enormous, irresponsible, and dangerous power, of the Lord Advocate of Scotland. Now, Sir, a great deal has been said with regard to the criminal duty of the Scotch Judges. The fact of the matter is, that it is now-a-days comparatively a mere farce, being almost entirely prepared or provided for by Sheriffs and their Procurators Fiscal; and if any one doubts this, let him go into the High Court of Criminal Justice in Edinburgh, or any where else in Scotland, which has been so much lauded; and he will find there sitting three judges, a Lord Advocate, a Solicitor-general, and one of his Deputes, perhaps, trying two or three little children, from eight to twelve years old. There they would be found in their Ermine, with their Lord Advocate, or those under him, with all the paraphernalia of a great court of justice, trying such insignificant cases, just as if they had committed the most heinous crime of high treason. The same farce pervades the circuits of the few towns the Criminal Judges visit, for there, as in Edinburgh, they find the cases so thoroughly sifted and prepared by the excellent and efficient local authorities, and under the odious but easy system of applying the former sentences of inferior courts, to eke out the crime which poor ignorant creatures stand accused of, which system is in Scotland called "habit and repute," that the judges now have rarely cases to try of any great difficulty. In fact, the parade of judges entering circuit towns in gown and wig, and preceded by trumpeters, &c., is now mocked at by the sensible portion of the people. And yet this part of the duty of our judges and the Lord Advocate's department has been lauded to the skies. If the system of our criminal jurisprudence as at present administered, be calmly looked at by unprejudiced parties, it will be manifest that with stipendiary judges in each county, authorised to try, and daily trying criminals with the aid of a jury, the congregating offenders for months together in our gaols until the six-monthly circuits shall arrive, is no less unjust than impolitic. Few cases occur of capital punishments. Transportation is on the wane, Chairmen of Quarter Sessions in England may award that horrid punishment; stipendiary county judges in Scotland are far higher legal authorities than chairmen of quarter sessions, and well deserve to be intrusted with at least their powers—I repeat, Sir, Scotch Circuits are, now-a-days, more injurious than useful; for another monstrous thing of which I have to complain, is, that civil cases are not allowed to be tried with the aid of a jury on circuit. This would be too great a boon; it would save expense; it would not occupy sufficient time to keep up the delusion of the hard labour imposed on our judges, therefore one set follows another, and so keeps up appearances. I have a return ready to move for, which, when made, will show that the same judges are sent to try civil cases with the aid of a jury, in the very towns the circuits had immediately previously been held in. We are not accused, as a nation, of being ignorant or unjust, and yet we are prevented from trying civil cases on circuit, and are forced to try them in Edinburgh, so as to give the judges the least possible trouble, and the profession there the greatest gain. Then, again, the paraphernalia and consequent expense of isolated jury trial is such as to deter the people of Scotland from entering the courts of session, and the machinery of that court is such an internal contrivance that no man in his senses will attempt to go there. I repeat, Sir, the machinery of that court may fairly be called an infernal machine. In the first place, such are its forms and proceedings, that it very frequently takes two years to get a case the length of a jury. But then it has been alleged that we are a capricious people, and that many will not go into courts out of mere caprice. Now I have been curious enough to make some inquiries on that subject, and in every instance, in answer to those inquiries, I was told that caprice had nothing to do in preventing a party from seeking his rights in the courts, but that it was so difficult and tedious to obtain justice in them that parties were afraid of attempting to do so. It is the expense, delay, and vexation which the people have suffered which has created the dissatisfaction so often repeated in the report now in my hand, which, if not the production of the Lord Advocate, has had his unqualified approbation, as it has had of the whole of the Members of the Committee, one only excepted. The people are ignorant in general of the complaint of the judges' impatience in hearing cases. This is a professional allegation, and never was heard of by me amongst the innumerable complaints against the courts which have rung in my ears from every quarter. The hearing of counsel at length, no doubt is highly proper, but doing so will neither augment the sessions nor diminish the vacations, nor remove the general dissatisfaction which at last is universally admitted to exist. Sir, I have endeavoured, considering the importance of this subject, to bring it as shortly as possible before the House, having, in the course of yesterday, received a salutary hint from the Lord Advocate of its being dangerous to interfere with the learned judges in Scotland—and not having been much encouraged by the noble Lord, the leader of this House, to expect that he would advise the Crown to command these judges, in virtue of the Act of Parliament, to extend their Sessions two months longer in the year. Perhaps this may be according to the general course adopted by Ministers, of intending to do what is required, even when they do not hold out any hopes at the time, to adopt it at a future day; and presuming that perhaps that may be the case, and being perfectly certain with the Government against me I cannot succeed, I will not take upon myself the responsibility of an adverse decision at this period of the Session, by calling upon the House to express its opinion, but will leave to the noble Lord the Secretary of State, and those whom he consults, the whole responsibility of this important question, and let them take the consequences. Therefore, I beg to withdraw the notice I have given, that is, not to make the motion of which I had given notice.

The *Lord Advocate* said, that as the hon. Member intended not to make the motion of which he had given notice, he would not detain the House with many observations, and he was the more induced to take that course, because it would require considerable time to enter into the details, so as to make hon. Members understand the question sufficiently well to form an opinion on it. He confessed, too, that he thought it would be very difficult for the House to have all the requisite information before them, when he found such gross misapprehension and misrepresentation of this subject as the hon. Member, no doubt inadvertently, had indulged in. That hon. Member had attended to the subject for many years, and had attended the committee from beginning to end, and yet, almost without an exception, had he come to an erroneous conclusion on every question before them. He must observe, that with regard to the number of Scotch judges, the committee had determined, after a lengthened inquiry, that the number of them could not be reduced without prejudice to the administration of justice in Scotland. He believed, however, that the suggestions of that committee were to be carried into effect, and that in a short time a great change in the mode of administering justice in Scotland would be made. He thought the hon. Member had made out no case for the interference of the House, and that the hon. Member had taken the best course in not pressing his motion. With respect to the extraordinary powers which, according to the statement of the hon. Member, were attached to the office which he had the honour to fill, he must say he did not know where those powers were, and he was sure, that if they ever did belong to his office, they were now completely in abeyance.

Mr. *Goulburn* thought it incumbent upon him not to let this occasion pass without protesting against the irregularity of making statements and entering into details, and not concluding with any motion. Such a course would lead to the greatest inconvenience, and was a direct and positive violation of the orders of the House.

Subject at an end.

POLITICAL OFFENCES—MESSRS. LOVETT AND COLLINS.] On the question that the Order of the Day for a Committee of Supply, be read,

Mr. *T. Duncombe* rose, in pursuance to notice, to move the following resolution—

"Whereas, in the month of July last, two respectable working men, named William Lovett and John Collins, were convicted of publishing a seditious libel, and for the same offence was sentenced to one year's imprisonment in Warwick gaol; and whereas, a large number of persons have since been convicted of offences of a similar character, and the greatest portion of those persons, contrary to custom, are, as well as the above-mentioned William Lovett and John Collins, placed on the criminal side of the gaols to which they have been respectively sent, and are there treated after the manner of persons convicted of the most heinous and detestable crimes; it is the opinion of this House, that such mode of carrying out sentences of imprisonment for political offences, being as uncalled for as unprecedented, ought to be discontinued; and that no greater restraint should be imposed or degradation inflicted upon this class of offenders, than their safe custody requires, and long usage sanctions."

The grievances that had been complained of by many petitioners relating to the treatment of persons convicted of political offences were cruel, inhuman and unprecedented. He had many well authenticated cases to establish this proposition, and when he had laid the facts before the House he hoped they would agree to the resolution he intended to propose. Before adverting, however, to the statements connected with the parties now suffering punishment for political offences, he would briefly call the attention of the House to cases of a similar character, that had occurred in former times. He would not, however, go further back than 1792, during which year a very great number of political prosecutions were instituted. The hon. Member then stated the cases of Ridgway and Symonds, in 1792, that of Cross, an attorney, in 1793; of the rev William Winterbottom, who during the time he was in prison, wrote his History of America, and was allowed to get married; the case of Mr. Redhead Yorke; of Mr. Gilbert Wakefield; of Mr. M'Cleod; and William Cobbett, who carried on his Register while in Newgate; and of Messrs. John and Leigh Hunt. All these parties were convicted of political offences, either by publishing libels, or uttering treasonable and seditious speeches, but they were none of them subjected to any further restraint, while undergoing the different periods of imprisonment to which they were sentenced, than was absolutely necessary to the security of their persons. In 1819, Major Cartwright and others were convicted of seditious practices in assembling to elect persons as members of a National Convention; but they were all imprisoned on the debtor side of Warwick gaol. Subsequently Henry Hunt was convicted of a conspiracy and an attempt to subvert the Government, and was imprisoned in Ilchester gaol, where he experienced rather harsher treatment than previous political offenders had been subjected to, and for which he afterwards obtained redress against the gaoler. The first time that this rule of distinguishing political offences from ordinary misdemeanors in the mode of treatment of the parties convicted was broken through was in the case of Lovett and Collins. Now in every word of the libel for the publication of which Lovett and Collins were found guilty, he entirely concurred. The words were—

> 1st. That this convention (Mr. Lovett was secretary to the National Convention) is of opinion that a wanton, flagrant, and unjust outrage has been made upon the people of Birmingham by a blood-thirsty and unconstitutional force from London, acting under the authority of men, who when out of office, sanctioned and took part in the meetings of the people; and now, when they share in the public plunder, seek to keep the people in social slavery and political degradation. 2. That the people of Birmingham are the best judges of their own right to meet in the Bull-ring or elsewhere; have their own feelings to consult; and are the best judges of their own power and resources to obtain justice. 3. That the summary and despotic arrest of Dr. Taylor, our respected colleague, affords another convincing proof of the absence of all justice in England, and clearly shows that there is no security for life, liberty, or property till the people have some control over the laws they were called upon to obey."

Since the publication of these remarks on the metropolitan police, an inquiry with regard to the conduct of the police upon that occasion had been instituted by a committee of the town council of Birmingham, Mr. Joseph Sturge being the chairman. The result of the inquiry was expressed in the very words used by Mr. Lovett himself. They declared that it was proved that a brutal and bloody attack had been made upon the people of Birmingham, and it was their opinion that if the police had not attacked the people, no disorder ever would have occurred, and they considered that the riot was incited by the London police. The committee of the corporation of Birmingham stated that it was the practice of the police to assail men with blows who might have been easily apprehended. Why not, after this, prosecute Mr. Joseph Sturge? This was language quite as strong as that used by Mr. Lovett. The committee went on to say that it was matter of deep regret that the magistrates should have deemed the services of these men (the London police) matter for complimentary notice, and that such a proceeding on the part of the magistrates was altogether uncalled for and unwarranted. At all events, then, there were two opinions upon this subject, and he would ask, were Mr. Lovett and Mr. Collins to suffer degradation in Warwick gaol for having expressed an opinion with regard to the conduct of the police in which a great part of the people throughout the country concurred. Mr. Joseph Sturge and the town-council of Birmingham ought to have been sent to Warwick gaol just as well as Mr. Lovett and Mr. Collins. What did he find boldly asserted in the papers of the day? The following strong remarks appeared in one of the daily papers on June 24th last:—

> "We call public attention to a police case, which appears under the head of Worship-street this day. In the course of the last six months we have been compelled to make animadversions on the illegal, tyrannical, and intolerable conduct of the new police force, and every fresh occurrence only confirms us in the belief to which that conduct has given rise, that the metropolitan police is the greatest curse that ever afflicted a free people."

This was pretty strong language; it appeared in the *Sun* newspaper of the 24th of June, and had the government dared to prosecute the *Sun* for that publication? No. If any prosecution were instituted the *Sun* newspaper would be supported by two-thirds of the people of this country. But to go back to the case of Lovett and Collins: representations were made by them to the magistrates of the county of Warwick of the privations and hardships those persons were enduring in Warwick gaol, but they were told that the only source whence any relief could be obtained was the Secretary of State for the

Home Department. From time to time applications were made to the Secretary of State, who referred the complainants to the visiting magistrates, and the magistrates sent them back again to the Secretary of State; so, between one and the other, no progress was made in ameliorating the condition of these men until nearly one-half the period of their imprisonment had expired. Much improvement in that tretament ultimately took place, but they were still kept on the felons' side of the gaol, and were subjected to various other harsh and degrading regulations, that could never be justifiably applied to political offenders, who, in the opinion and judgment of society, had committed no moral offence. On the 25th of this month the term of imprisonment to which Mr. Lovett and Mr. Collins were sentenced would expire; and he believed that it was the desire of certain individuals that these injured men should assume a better and fatter appearance when they came out of gaol than they had borne during their confinement there. The consequence was, that every day for the last ten days they had had port-wine negus, in order, no doubt, when they came before the public, that they should appear in good condition. In a letter, dated 22d June last, which Mr. Lovett had addressed to a friend, describing the nature of the treatment he had experienced since his incarceration in Warwick gaol, and the effect it had produced on his mind and health, Mr. Lovett said,—

"You can form but a very imperfect idea of the feeling and tone of mind which the restraint and monotony of the discipline of a prison entail on those persons who have been used to activity and the exercise of the body, to cheerful conversation, and to all the varieties of political and literary excitement. I possess very little descriptive powers, but I will endeavour briefly to describe the melancholy routine in which I have passed the greater number of days I have been here, varied only by exchanging the loneliness of my cell for scenes of vice and crime, where I have been compelled to mix with persons of the worst description. In the midst of such circumstances you may easily suppose that even books begin at last to lose their attractions. At half-past five in the morning the prison bell rings; at six in the morning you are expected to have your bed rolled up and your room cleaned. Formerly we were obliged to go instantly down to the yard to answer our names when the roll was called, but that has lately been dispensed with. We have to wait some time before we can get a fire, for we are not allowed to have flint or steel. We then retire and sit in our dark cell to read or wile away the time."

That was written on the 22d of June. Since then it appeared that Mr. Lovett had seen a statement with respect to his sleeping with Collins; on the 24th of June he wrote a letter stating the representation was not quite correct. It was true that Collins and himself did sleep together in the first instance; but Lovett being rather a restless and sleepless man, Collins preferred sleeping with the other inmate of their cell. And here Mr. Lovett made a statement, which demanded the serious attention of the House; for, if correct, it was too atrocious to be endured. Mr. Lovett stated, that Collins had had four different persons to sleep with him since he had been in prison; the first was convicted of a rape, two others were imprisoned for assaults, and his present bed-fellow was convicted of passing bad money. Fortunately, said Mr. Lovett, he and Collins had escaped catching the itch; but their fellow political offender, Edward Brown, was not so fortunate, and he was obliged to undergo the itch bath. [The hon. Gentleman read a letter written by Collins to his wife, describing the injurious effect his confinement had produced upon his health, and more especially the very serious encroachments it had made on the less robust constitution of his fellow prisoner, Lovett.] This, then, was the hard treatment which these two men had experienced for a political offence which had never been considered in the estimation of society to cast a stigma on the moral characters of those who were convicted of it. What would have been said by the present Government if any among those whose cases he had referred to in the commencement of his speech had been subjected to similar treatment by the Tories of former days? But he wished it was only Mr. Lovett and Mr. Collins that had been so treated. If Gentlemen would take the trouble to read the petitions that had been presented to the House, he might refer them to Fisherton Gaol, Ilchester Gaol, York Castle, Oakham Gaol, and Wakefield House of Correction. Mr. Roberts, an attorney of Bath, had been recently discharged from Fisherton Gaol, and had returned to Bath, having been released by the Secretary of State. A person who was a member of the town council of Bath, had written to him on the subject, and very naturally asked why Carrier and Potts were not equally released. The ground for liberating Roberts must equally apply to the cases of Carrier and Potts, for all three were tried at the same assizes for the same offence, and the judge said, when sentencing them, that he saw no difference in their degrees of guilt. He, however, made a distinction in the punishment, for Potts being a poor man was sentenced not only to imprisonment but to hard labour. Mr. Carrier, he believed, could not boast of the same high connexions in life as Mr. Roberts, who he understood was a near connexion of Chief Justice Tindal. But, notwithstanding neither Carrier nor Potts could claim any high connexions, it equally behoved the House of Commons to take care that justice should be done to their case. In Ilchester gaol there were two persons confined for political offences, named Bartlett and Baldwin; and if they passed to Oakham gaol they would find three individuals, Vincent, Shelhard, and Edwards. They were convicted at Monmouth, and sent to Monmouth gaol. They remained there some time, and were then sent to the Penitentiary. Notice was taken of the removal, in consequence of a discussion upon the subject in the House of Commons, in the course of which it was contended, that their removal was illegal, and that the Government had no right to send them to the Penitentiary. Since then they had been removed to Oakham, and their petition deserved the attention of the House. After having been imprisoned for nearly nine months, on one charge, on account of an offence committed in June, Mr. Vincent was again indicted for an offence committed in the January previous. This appeared to him nothing more nor less than a vindictive proceeding. Had it occurred during Tory times the country would have rung with the indignation of the public. The next case to which he would call their attention was that of the prisoners at Wakefield. They had heard the petitions of Richard White and Joseph Crabtree. White, an old man, aged sixty-two, petitioned on the part of his son, one of the convicted party, who had been originally confined in York Castle, but was removed to Wakefield without his (the father's) knowledge. From another person, however, who had been confined in Wakefield gaol, the petitioner had heard that his son was reduced very much in health—that he was compelled to work on the treadmill with felons—that he had twice fallen off the mill in a state of exhaustion—and that when the petitioner went to the gaol, the gaoler would not allow him to see his son. Now this man was sentenced to imprisonment only, not to hard labour. The case of Joseph Crabtree was perhaps the worst of all. In his petition he stated, that he was locked up in his cell from six at night until six in the morning, the cell being a small room, eight feet by six—that while so locked up he was not allowed to make the slightest noise, not even to walk about his cell—that on being liberated in the morning he was placed among convicted misdemeanants, obliged to hold his face in a particular position, so that the gaoler might see it, and prevented from holding the slightest communication, either by look or by word, with the other prisoners. In this state he was kept until the evening, not being allowed to stand up, or even to look another prisoner in the face, under penalty of subjecting himself to solitary confinement in a dark room for three days, on a diet of bread and water only. The prisoner had been convicted of having been present at a meeting of a seditious character at Barnsley, but in his petition he solemnly declared in the presence of God that he was not there present—a fact which could be proved by another prisoner, named Owen. He could have proved this on his trial, but was told that his case would be looked upon as one of entire unimportance, and that he had better take no steps of the kind. The only other case with which he would trouble the House was that of Mr. Feargus O'Connor, which was not one-fifth as bad as the others which he had referred to. The treatment which that gentleman received was at first outrageous and disgraceful to the country, but it had recently been much improved. Still it was what, as a political offender only, he ought not to be subjected to. The avowed object of it was to prevent him from continuing to publish his paper. But Mr. Cobbett and Mr. Hunt were allowed to continue to write their papers under similar circumstances, and why should not Mr. O'Connor? He was not allowed to see his friends, except in the presence of his gaoler, and then only across a passage six feet wide, and through an iron grating, in order that he might not transmit any writings to the public. He knew that he should be told that all these things were the acts of the visiting magistrates; that the Government was not to blame; and that the amendment recently made in the Prisons Act would set all to rights. But the alteration in question was a perfect delusion. That alteration in the Prisons Act did not make the law of the land different from what it had been before. The Secretary of State, as had been evidenced in the case of Mr. O'Connor, had before the power to alter the regulations of the visiting magistrates; for he had been transferred from the felons' to the debtors' side, in consequence of the interference of the Secretary of State. The new act still left it to the visiting justices to make the regulations of the prison, and whether the prisoner was confined on the debtors' or the felons' side, still he would be subject to those regulations. What guarantee had Parliament as to the nature of those regulations? If they were to be any thing like what they now were, the only effect of the alteration would be, to leave it in the power of the Secretary of State, by whom the regulations of the magistrates were liable to be revised, to treat political offenders, who might possibly be personally offensive to him, in a manner never hitherto contemplated by the law. He called, then, on the House to affirm, by resolution, the principle on which those prison regulations should be based; that there should be only so much restriction as was necessary to secure the safe custody of the person of the prisoner. But what were these persons convicted for? For attending seditious and illegal meetings. What was an illegal meeting? Very different sentiments had been entertained by those who now formed part of the Government, or who supported it at other periods, from those upon which these individuals had been convicted. In December, 1819, after the Sedition Bill had passed the House of Lords, a protest was entered upon the journals, which contained these sentiments:—

"First. Because the laws of England, when duly enforced, have always been found sufficient to prevent any confusion arising from popular meetings, or to punish any disturbers of the public peace; and a too ready acquiescence in the suggestions of Ministers for imposing new restraints upon the rights and usages of the people—even if the provisions of the bill were in themselves neither harsh nor unreasonable—appears to us more calculated to add weight to calumny, and to exasperate discontent into hostility, than to defeat the designs of turbulent men, or to reclaim the alienated affections of a mistaken multitude.

"Secondly. Because the powers entrusted by this bill to magistrates are liable to great abuse, and those who disobey them exposed to dreadful and disproportionate punishment. On the surmise that a stranger is present in a crowd, or on the application of a vague definition to the words of a notice, or to the language of an orator, a justice of peace may proclaim a meeting to be unlawful, and an Englishman may become a felon for continuing, even through inadvertence, half-an-hour in a spot where no breach of the peace has been committed.

"Thirdly. Because the numerous assemblies alleged in the preamble to be the occasion and justification of the bill, have been confined to particular districts; but the restrictions and penalties thereof are generally extended to the whole kingdom, and even to Ireland, where no such practices have ever prevailed.

"Fourthly. Because this bill, combined with the restrictions of the press which have already passed, or have been announced in this House, is obviously intended to fetter all free discussion, and to repress, if not stifle, the expression of public opinion. Large meetings in periods of political ferment furnish the means of ascertaining the designs and measuring the strength of the malcontents; they tend to disunite and discredit the rash and mischievous agitators of a mistaken multitude, and they not unfrequently serve as a vent, comparatively innoxious, of that ill-humour and discontent, which, if suppressed, might seek refuge in secret cabals and conspiracies, dangerous to the safety of individuals in authority, and subversive of the peace and happiness of society."

That protest was signed "Vassal Holland, Augustus Frederick, Thanet, Donoughmore, Grosvenor, Erskine." Similar sentiments were expressed during the last recess by the noble Lord the Secretary for the Colonies. He wished that, with regard to these unfortunate men, the noble Lord had acted upon the doctrines so laid down by him at Liverpool. He complained also of the different mode of punishment which was observed with regard to different offenders. While Messrs. Lovett and Collins, and the other persons to whom he had referred, were treated in the manner that had been described, the Rev. Mr. Stephens, who had been convicted of a similar offence, was actually living in the gaoler's house, and enjoying the society of his friends. Mr. Bronterre O'Brien and Mr. M'Douall were also treated, in Chester gaol, with much less severity than was observed towards Messrs. Lovett and Collins, though not so well as the Rev. Mr. Stephens. As an instance of the petty severities that were inflicted on Mr. O'Brien, he would mention that his snuff-box was taken away from him. This might appear to some hon. Members an absurd ground of complaint; but those who were in the habit of taking snuff would tell them that to be forcibly prevented was a source of much annoyance and inconvenience. The sort of treatment which he had described as being inflicted on these prisoners was not sustained by public opinion. The effect which it would have, if continued, on the minds of the lower orders was deserving of the attention of the House. He implored those connected with the rural districts to lend their aid on this occasion, for they might depend upon it that there was scarcely a village or a hamlet in which the reports of the sufferings of these prisoners did not penetrate, and where there did not exist a strong feeling that these prisoners were unjustly detained, and treated with undue harshness. The address which he was about to move did not in any way trench on the prerogative of the Crown. He did not ask for a curtailment of the imprisonment of the parties, but only that an end might be put to a system of treatment which, thank God! had never been heard of in this country since the days of the Star Chamber, and which was very little exceeded by the worst cruelties of the Spanish inquisition. The hon. Member concluded by moving the address.

Mr. *Wakley* seconded the motion. He would not enter into many topics which had been adverted to by his hon. Friend, conceiving as he did that their business was to consider the treatment which these unfortunate prisoners had received while in prison. With their sentences they had nothing to do. They had been duly tried according to law, by juries to whom they did not object. The question was, how had they been treated in gaol? The system of punishment which by our forefathers had been intended to operate as a check upon crime, had been, in the case of these prisoners, converted into a torture which was calculated to turn them into savages. It was calculated to make them the worst beings that ever existed in the human form—to eradicate every feeling of virtue, and substitute one universal feeling of revenge. By inflicting torture of this kind the whole institutions of the country were endangered. He could not believe that the House would sanction such a system as his hon colleague had described in the case of Crabtree. He could not believe that the Government were desirous to continue such a system. He hoped, for the credit of the Government, that it would be proved that no application had been made to the Government before the presentation of these petitions. He strongly deprecated the system of leaving the prison regulations to the discretion of the visiting magistrates. Those who had the responsibility of those regulations ought to sit in that House and be ready at all times to answer questions on the subject. The subject, however, having once been brought before the Government, they were henceforth responsible for whatever might occur in these gaols. It would no longer avail them to say that they left those things to the visiting magistrates, they had now ample evidence that the visiting magistrates were not to be intrusted with the power of making them. This being the position of Government as regarded the subject, he could not help expressing a wish that his hon. Friend would not divide, trusting as he did, that the Government would make such a declaration, as would satisfy the House of their determination instantly to ameliorate the condition of those unfortunate persons who were now confined for political offences. There were nearly three hundred persons confined for political offences at the present time. The hon. Member concluded by seconding the motion.

Sir *George Strickland* observed, that as allusion had been made to the prisoners confined in the House of Correction at Wakefield for political offences, he felt bound to observe, that he should have felt it to be his duty to bring the subject before the House had not allusion been made to it by the hon. Member for Finsbury, and also if he did not believe that his hon. Friend the Under Secretary for the Home Department would give such an explanation on the subject as would render it unnecessary to proceed further in the matter. He believed that the treatment of those persons confined at Wakefield, if it were as it had been described in the petitions laid on the table of the House, was so contrary and inconsistent with everything like law in the former treatment of persons punished for similar offences, that the authorities would merit every censure, if it could not be shown, that it had arisen from casual and accidental circumstances. It was not for the House to consider the sentences that had been passed on these persons; the only question before the House was, whether the treatment which they had met with in prison was humane, and consistent with the usage which former prisoners had experienced who had been punished for similar offences. It appeared also that some of those persons who had been so harshly treated were punished merely for being present at political meetings, where some one had used seditious language. The magistrates alleged that the Home-office made the rules for the prisons, and that they were not responsible; while the Home-office said that all the additional punishment inflicted on these unfortunate men was attributable to the magistrates. He hoped that his hon. Friend, the Under Secretary for the Home Department, would show that this was the case, and that he would give an explanation to the House on the subject. At the same time, he felt bound to say that he thought that the only explanation which could prove satisfactory, was to show that the proceedings were strictly legal. If they received a promise from his hon. Friend the Under Secretary for the Home Department, that these abuses should be remedied for the future, he trusted that his hon. Friend would not go to a division on the motion.

Mr. *Fox Maule*, before he proceeded to reply to the speech of his hon. Friend the Member for Finsbury, felt bound to observe, that nothing that had been said that night, would induce him to alter the course which he had intended to pursue. As to the treatment of these political offenders being severe, unnecessary and unusual, and not consonant to the former practice that obtained with respect to that class of persons, he would state a few facts to the House, and would rely on public opinion for the conviction that the Government had not pressed upon any individuals convicted of political offences, or crimes as they had been termed, in a way which the law would not sanction. His hon. Friend stated, that in certain cases, the parties were treated with much attention and consideration, because they were in a higher station in society. In all those cases, whatever punishment was inflicted, it was accompanied with the imposition of heavy pecuniary fines, which if they had been imposed upon those now undergoing punishment for political offences, would be followed by certain ruin. The cases of Lovett and Collins had already been fully discussed in that House. He not only had admitted that the treatment that they had experienced was harsh, but as far as the department to which he belonged possibly could, it had done all in its power to relieve them; and since they had been sentenced, the Government had shown every disposition to ameliorate and to alter the nature of the punishment to which those convicted of political offences were exposed. But, dealing with the cases of Lovett and Collins, his hon. Friend went beyond the limit of his resolution, for he went to the extent of justifying the offences for which these persons had been condemned, not by any extraordinary measures brought forward by the Government to meet the circumstances of the case, not by any recent law that Ministers had introduced, but by the long-established law of the land. They had been tried by the ordinary tribunals of the country, had been convicted by impartial juries, and had been condemned and sentenced for an offence which his hon. Friend now stood up in his place in Parliament, and justified. He was surprised that such observations should escape from any Member of that House. Was the hon. Gentleman aware of the period when this placard was published, and the circumstances under which it was sent forth, as well as the state of the place in which it was promulgated. He begged the House to recollect that this took place after serious riots at Birmingham, and also that the publication of this placard was followed by riots of such an extensive and dangerous nature as to place, according to the opinion of competent judges, that great town in a situation of imminent peril.

Mr. *T. Duncombe:* The publication took place on the 5th of July, and the serious riots and the burnings did not take place until the 14th.

Lord *John Russell*, the publication of the placard took place after the first riot and previous to the second.

Mr. *Fox Maule* felt that the case was even stronger than he had stated. The publication of the seditious libel took place after the introduction of the London police to Birmingham, and its tendency was to excite the minds of an assembled multitude in that great town to the greatest pitch of indignation against those who were sent down to protect the lives and property of the inhabitants of that place, who had not then the advantage of an organised police. In consequence of the excitement which was thus created, and in consequence of the speeches which were made in other parts of the country, the greatest apprehension was created in the minds of the inhabitants of Birmingham, and there were few persons of respectability living there who did not believe that, had it not been for the excitement occasioned by those speeches and placards, the serious riots of the 16th would not have happened. His hon. Friend had quoted an extract from a speech of Mr. Sturge, as chairman of a portion of the corporation, with the view of showing that it was the opinion of that meeting that the introduction of the London police was the cause of those riots. He appeared to answer for the conduct of the London police at Birmingham. But what was the course pursued by that body? They were sent down in consequence of the disturbances there, that they should protect the lives and properties of the inhabitants of that place. So strictly were the orders given to prevent any thing like an excuse for the outrages that occurred after the riots on the 4th had been put down, that the police were not allowed to leave their quarters or to go out into the town, and they did not do so until their presence became absolutely necessary to put a stop to the riots and devastation that prevailed in the town. This appeared in the evidence taken before the learned Gentleman sent down to investigate the matter, and could be referred to if hon. Gentlemen wished. Whatever, therefore, might be the feelings of certain persons in that place, and however desirous they might be to excite a collision between the London police and the crowd, the magistrates gave such strict orders, that the former body were not called upon to act unless in case of emergency, and in the riots in the night of the 18th of July, when their services became absolutely necessary, they manifested the greatest forbearance, and did not resort to any proceedings which were not absolutely necessary. On that occasion, when the rioters were setting fire to the houses in an important part of the town, they were called upon to act, and they did so in such a manner as to put a stop to the serious disturbances that then prevailed in a comparatively short time; and they did so without inflicting any injury on individuals. Although many of the police were injured themselves, they succeeded in dispersing the multitude with such a degree of moderation, that not a single person in the crowd was taken to the dispensary, or was injured. This was a *primâ facie* case in favour of the conduct of the police. Allusion had been made to the proceedings in the case of Sir Francis Burdett; but it should be recollected, that at that time there was no organised police force, but the military were called upon to act. So much, then, for the observations which the hon. Member had thought it proper to make on the conduct of the police, and he would add, that he believed if any intelligent class in any part of the empire was consulted on the subject, that it would at once admit that that body, by its energy, had saved the town of Birmingham from destruction. Such was the feeling of the inhabitants of that place, for these men carried, at the present day, the honorary memorials conferred upon them by the citizens of Birmingham for what they then did. The hon. Member also stated, on the authority of a statement in a daily newspaper, that the police were employed as spies; but he would defy the hon. Gentleman, or the editor of the newspaper to which he had alluded, to show an instance in which any members of the metropolitan police had been employed as spies; unless as far as was absolutely necessary for following up or tracing out crime. It was an easy thing to throw a certain odium on the police force of the metropolis; but he was sure that the House would not sanction any such unfounded charges; and, above all, he would ask the hon. Member whether it was an easy task to answer for the results that might be produced. He did not believe that any part of the aspersions which his hon. Friend had thought proper to cast upon the police, would have any weight with the public, for they were too well aware of the value and the importance of the services of that body readily to adopt such charges. He recollected that his hon. Friend, the Member for Kilkenny entertained an impression in the first instance against that body, but on investigation, he stated repeatedly to the House, and to the country, that all the suspicions which he had entertained were dissipated. As for the cases of Lovett and Collins, their period of punishment was now rapidly drawing to a close, and he could not help saying that he was sure that the insinuation of his hon. Friend, that their treatment had been mitigated, that they might fatten up before they came out of prison, that they might not appear in a lean and starved condition, was rather to be imputed to that somewhat jocular mode of debate which he sometimes indulged in, than to the conviction of his mind. Some time ago they were offered their freedom on terms which he thought they might easily have accepted of, on the understanding that they should enter into their personal recognizances to keep the peace, and to be of good behaviour for twelve months. He believed that this was the mildest form in which they could be liberated under the circumstances of the case; they, however, refused to accept the offer. His hon. Friend then alluded to the cases of George Morse Bartlett, and Charles Boswell, who were prisoners at Ilchester, the former on a charge of sedition, and the latter of conspiracy. These persons had presented a petition, which was on the table of the House, and they petitioned, not because they wished to make any grievance known, or that they complained of the too great severity of the sentence, or of the manner in which it was carried into effect. He did not think, however, that either the Crown or the Ministers were to be charged with inattention, when they were not made acquainted with the circumstances of any of these cases, until they were put in possession of them through the petitions presented to the House. The two persons to whom he had just adverted, had complained to the House, not of the sentences which had been imposed on them, but of the different treatment that others met with, who were under sentence of imprisonment. These two men had not been convicted of political libels: the first, George Morse Bartlett, had been sentenced to nine months' imprisonment, not for libel, but for sedition; and the second, Charles Boswell, was sentenced in a similar punishment for conspiracy. These men, in the petition which they had presented, did not complain of the severity of the sentence which had been imposed on them, nor as to any peculiar hardships in the gaol where they were confined; but they stated, that Feargus O'Connor, esq., and other incarcerated Chartists, have been granted the privilege of maintaining themselves, and that "therefore they prayed the House to grant them the same privilege." He would proceed to notice the statement and petitions of the three persons who were in the Penitentiary. He had made a point of inquiring into the allegations of those petitions, and had referred to the keeper of the gaol; and he found that the separate petitions of Edwards, Vincent, and Shellard, did not emanate from their own free will; but they had sent them in answer to an application made to them by a Member of Parliament, that they should send three separate petitions against the treatment they had experienced in gaol, or against the keeper of it, if they had any subject of complaint. [Mr. *T. Duncombe* had written to them.] He should not have mentioned the name of his hon. Friend, had his hon. Friend not mentioned it himself; but in that letter his hon. Friend stated, that he thought that one petition would not be of much use, and therefore requested that three separate petitions should be got up, complaining of the treatment they experienced. His hon. Friend, then, had acknowledged the correctness of the statement of the keeper of the gaol, that he had asked for petitions from Edwards, Vincent, and Shellard, if they had any complaints to make against the gaoler. He admitted, that the removal of these parties from Monmouth gaol, to which place they had been sentenced, to the Penitentiary was an oversight; but it was never intended to make the punishment more severe, only to remove them so that they might be separated from other misdemeanants. The moment, however, that it was found that the imprisonment in the Penitentiary was beyond the pale of the law, and was harsher than was intended, steps were taken to send them to another prison, namely, Oakham. It appeared also, that when they were first sent there, they were not allowed the use of knife and fork, but had to divide their food by means of a wooden spoon. On their making a representation to the Home Office on the subject, immediate instructions were sent down, directing that such a rule should not be enforced, but that they should be allowed knives and forks. With respect to the allegations made as to the health of these petitioners, Edwards says—

"That your petitioner sustained considerable injury in his health; and is perfectly convinced that, had he not been removed to a more healthful locality, death would soon have put a period to his existence, in spite of the kind treatment he experienced from the Governor, and officers of that establishment."

Now he found, on referring to the authorities of the Penitentiary, that Mr. Wade, the surgeon of that establishment, declared that, "while there, he was in good health;" and the surgeon of Oakham Gaol stated, that he presumed his health to be good, as he had heard him make no complaints whatever on the subject. So much for Edwards. As for Vincent, he found that the great ground of complaint was his being deprived of the use of a knife to cut his food: this ground of complaint, as he had already stated, was at an end. With respect to Shellard, that person stated

"That while in the Penitentiary your petitioner made a minute statement of his case, in writing, to the authorities of that place; and your petitioner has every reason to believe, that her Majesty's Principal Secretary of State for the Home Department is in possession of the facts stated by your petitioner."

It was quite true that Shellard drew up such a statement, but the governor of the prison, for reasons of his own, did not forward this document, and in answer to a notification which he (Mr. Fox Maule) had felt it to be his duty to make, the governor of the Penitentiary returned the following answer:—

"In addition to the ordinary examination taken upon the prisoner's reception, there was a minute statement of his case drawn up, not by the prisoner, who was incompetent to the task, but by myself. It originated in the following manner.—Having in one of my visits to the prisoner's cell observed him to be depressed in spirits, I entered fully into conversation with him, when he represented himself as a much-injured man, the victim of private malice and gross perjury. His story was told with much apparent artlessness, and contained several substantial features capable of investigation and indicative of innocence. I mentioned the case to one of the visitors of the prison, who in consequence had an interview with the prisoner, and being also much struck with his narrative, requested me to procure a statement of the leading facts. In compliance with the visitor's request, I sent for the prisoner to my office, and from his representation drew up a statement of such facts as appeared to bear materially upon the question of his innocence. Mr Farrer, to whom I delivered this paper, entertained considerable doubts as to its effect, and under these circumstances nothing further was done."

The result, therefore, did not justify an accusation against the Government. It was quite true that when Shellard was brought up to the Penitentiary he was in a state of ill-health, but when he left he was much better, and at Oakham he received every attention which the circumstances of his case required. With regard to the cases of Crabtree and White, he was not aware of some of the circumstances which had been stated, but if the magistrates carried their sentence into effect, surely this was no ground of charge against either the magistrates or the visiting justices, or the Government. The case of Crabtree was under investigation, and if any unnecessary restraint had been put on him, the attention of his noble Friend would be immediately directed to the matter. On the general question, he would merely ask the hon. Gentleman if he really meant to cast the imputation on the Government that they encouraged or promoted any unnecessary degree of punishment, or, as he called it, torture, being inflicted on the individuals now under sentence for political offences? Could any person be justified in drawing such a conclusion? While the disturbances were going on, he believed that had his noble Friend come down to the House for increased powers to suppress them, the House would, by an immense majority, have armed him with any power he might have thought proper to demand, yet the noble Lord had asked for no power beyond the law, relying on the good sense, the loyalty, and justice of the respectable classes, to judge of the nature of the offence, and relying on the law to punish those who should be found guilty. The manner in which Government had conducted itself throughout the whole of the affair, sufficiently proved that it had sought to take no vengeance upon individuals, but only to restrain within the bounds of the law those who resisted it, and those under whose advice such resistance was carried on. It would, indeed, be unjust, that while their ignorant and deluded dupes were punished, the exciters of tumult and sedition should, by their skill in keeping apparently within the pale of the law, be allowed to escape with entire impunity. The slur attempted to be cast upon the Government by the hon. Gentleman, was utterly unmerited, nor would it be sanctioned by the majority of that House. He was quite aware, that in carrying the law into effect, Government must entail on itself a certain degree of unpopularity; but this the Government was prepared, in the execution of its duty, to submit to. Acting upon principles of strict justice, and entirely free from the slightest degree of personal malice, if the Government had not the courage to carry out its authority, and the authority of the law, it would be unworthy of the confidence of that House, and of the people in general. Whatever popularity might be temporarily gained by supporting the present motion, he for one was ready to sacrifice it, believing it to be his duty, both as a Member of that House, and as a Member of the Government, to support the law.

Mr. *D'Israeli* said, the question was, whether there had not been a change of punishment for political offences. Was it denied that persons convicted of political offences had been treated as felons, and as felons convicted of infamous crimes? The hon. Member for Finsbury had shown the House, that since 1792 there had been no instance of persons convicted of political offences being treated in the same way as such persons had been treated by the present Government. He would go farther back, and he invited the hon. Gentleman (Mr. F. Maule) to consult authorities of more ancient date, and he would find, that at no period of our history, not absolutely barbarous, had persons been so treated for political offences. The imprisonment of such persons was only for the security of the state, not for the infliction of punishment. The present Government could not find a precedent for its conduct with respect to the prisoners at present confined for political offences even in those times most remarkable for arbitrary rule. No, not even in the time of the Star-chamber, and of high commissions, for even in those times the rights of prisoners were acknowledged. Did the noble Lord (Lord J. Russell) deny that the prisoner had rights? It would appear from the course pursued towards the persons whose cases were then under discussion that he did, and that he refused to acknowledge what even the Star-chamber had admitted. [*Laughter.*] The noble Lord might laugh, but he would be glad if the noble Lord could show a precedent even in the conduct of the Star-chamber, which, as contra-distinguished from the spirit of the times, surpassed in severity his own proceedings. After the speech of the Under Secretary of State, so remarkable for its undescending defiance, the hon. Member for Finsbury would not perform his duty if he did not take the sense of the House upon the question. He did not by any means impugn the verdict of the jury or the sentence of the judge. The character of the offence was not denied, but the question was, whether or not the punishment was excessive, and beyond that imposed in all former similar cases. The punishment inflicted in England for such offences did not in any case exceed three years' imprisonment, but was not an imprisonment of this kind, so severe and so galling, of much more than the nominal duration? Look, for instance, at the case of Roberts, did not the circumstances attendant upon his imprisonment aggravate the punishment so as to render it equivalent to torture? There was no other place in Europe, nor even in Siberia, where such punishment had been inflicted. But then his treatment had been altered. Why? Not because the punishment was deemed too severe, but because the prisoner had broken a blood vessel. What, he would ask, was the reason why the same conduct which in England was called sedition passed unpunished at the other side of the channel under the gentler term of agitation? Was it because the Ministry had the countenance and support of those who were engaged in it? If the English people found that those at the other side of the channel were permitted to do, for the purpose of acquiring political power, that for which they were so severely punished at this, a feeling would be raised in this country which no speech of an Under Secretary of State could by possibility put down. The people of England would not brook Ministerial connivance at a system which stimulated the feelings of a people, that those who wrought upon them might profit by the passions of their dupes. He hoped that hon. Members on his (the Opposition) side of the House would not resist this motion because of its being brought forward by one, to whose line of policy they were generally opposed. They were the natural leaders of the people. Yes, he repeated, the aristocracy were the natural leaders of the people, for the aristocracy and the labouring population formed the nation, and it was only when gross misconception and factious misrepresentation prevailed, that a miserable minority, under the specious designation of popular advocates, was able to pervert the nations order. They commenced by gorging themselves with public prey, and ended by assaulting the best and most valuable rights of person and property—such was the course pursued by the present administration.

Mr. *Warburton* gave credit to the Government for having relied on the ordinary law of the land for suppressing the late disturbances; but thought their error consisted in carrying out the sentences on those convicted with too much severity, and contrary to all former practice. How, for example, was the treatment of Lovett and Collins, conformable with the views propounded by one of the officers of the Government on this subject? A bill for the regulation of prisons having been sent down from the House of Lords before Easter, he then proposed to introduce some amendments respecting those imprisoned for seditious libels, seditious speaking, or attending seditious meetings. When these amendments were under discussion before Easter, the hon. Under-Secretary of State for the Home Department described their treatment in the following language, on a motion for papers which immediately preceded the bringing in of the bill:—

> "I have no objection," said he, "to this motion, which has been brought forward for the purpose of making some observations, which I admit that my hon. Friend is justified in making, on this occasion. In passing the Prisons Act, I willingly admit that the Legislature was guilty of negligence in not making some regulations for the treatment of those who might be imprisoned for political offences. So far I agree with my hon. Friend, the Member for Bridport, and, when we go into Committee, I shall not have any objection to adopt his amendments."

Now, what were those amendments? They were to the effect, that the severe provisions of that bill should not apply to those found guilty of speaking, writing, or publishing seditious words. Who moved these amendments? Not he, but the hon. Under Secretary of State, who actually took the amendments out of his hands, and proposed them himself. Here, then, he had the opinion of the representative of the Home-office in this House condemning the existing regulations. But that was not all. He found, in the correspondence which had been published respecting the treatment of Mr. O'Connor in York Castle, the following language used by Lord Normanby. The passage occurred in a letter dated the 27th of March, 1840, and addressed to the visiting justices of York Castle:—

> "Lord Normanby desires me to observe that there ought to be nothing of degradation or personal indignity in the treatment of Mr. O'Connor, nor anything which may operate as an unusual or disproportionate severity, with reference to his state of health or former habits of life."

Let them apply this to Lovett. He had been accustomed to all the moderate comforts of life, and was then in a delicate state of health, yet he was subjected to the same dress and food and treatment as the common felons. But the real question was, whether, looking to the mode of treating this class of prisoners some years ago, previous to the passing of the Prisons Act, and subsequently to the adoption of the prisons regulations, you were now to introduce a system of treatment that would make every humane man's blood run cold. Looking over the debates in Parliament at various periods, on this subject, who were the parties that interfered with severity of treatment, both at home and abroad? They had Mr. Whitbread and Sir Samuel Romilly continually bringing cases under the notice of the House, in which persons were treated with unjustifiable severity. Who were the parties, then, who paid most attention to the subject? The Whigs. They came forward as the defenders of the people; not to justify their offences, but to curb the undue severity of punishment. Who were to blame in the present case? He would acknowledge that the prison regulations had taken away from the Government, in a great measure, the power of alleviating the treatment of prisoners; but as by those regulations they had the power of transferring prisoners from one gaol to another in the kingdom, and in the prisons of the metropolis a milder system of treatment was pursued, whenever they found the discipline in the provinces unusually severe they might remove them to one of the metropolitan prisons. Though the prison regulations might have been fixed under the Prisons Act, the 4 Geo. 4th, c. 54, gave a power to the magistrates of making exceptions to the general rules, and giving some alleviation to the sufferings of the convicts, such as confining them in a separate part of the prison, and subjecting them to different treatment from that pursued towards the great mass of the prisoners. Even the keeper of the gaol could exercise the same discretion, till he should receive the instructions of the visiting justices, who would say whether the reasons offered by him warranted the deviation from the general rule. Thus, although the Prisons Regulations Act had passed, the visiting magistrates had the power of alleviating the treatment of prisoners till their case should be brought before the Quarter Sessions, and he thought it would certainly be more to their credit had they more frequently exercised the discretionary powers thus entrusted to them. The Government, who must have approved of the regulations in every gaol in the country, and were, therefore, responsible for them, when it reached their ears that such extreme severity was exercised, should have reminded the magistrates of the powers confided to them by 4 Geo. 4th, c. 64, and recommended some mitigation. The hon. Under Secretary had made some remarks to the effect that, antecedent to the passing of the Prisons Regulations Act, if the treatment of this class of prisoners was less severe than since, it was then the custom to impose heavy fines. But did the hon. Gentleman mean to say that, when heavy pecuniary fines were not imposed, severities of this kind were inflicted? The hon. Under-Secretary thought that he was treating Lovett and Collins with great leniency, in allowing them to go out of prison on giving security, after enduring ten months out of the twelve months imprisonment, to which they had been sentenced. But after they had suffered during those ten months a greater degree of punishment than had been intended by the judges who sentenced them, it would have been only a reasonable indulgence to let them out without any stipulation. He would say, in conclusion, that as the regulations of the gaol must be first approved of by the Home-office, the Government should give a pledge that they should be such as the feelings of the public would also approve of, and as he saw no intimation of their giving such a pledge, he would recommend his hon. Friends to persevere in dividing the House on this question, in order to mark their sense of such treatment, in the strongest manner.

Mr. *Ward* expressed a hope that, before the House came to a vote on the question, the noble Lord, the organ of her Majesty's Government in that House, would make some announcement calculated to induce his hon. Friend to withdraw the motion. Although he wished and expected that this announcement would be satisfactory to his hon. Friend, he still must take the liberty of saying that he thought there was room for much improvement in the system of prison discipline. The motion if pressed to a division should have his support.

Mr. *Burges* expressed much surprise that the hon. Member for Bridport had not admitted that the statements contained in the petitions of Mrs. Roberts were wholly unfounded. It was quite apparent that these petitions were got up by other persons than those who professed to sign them. As to the motion, which in terms related to persons confined for political offences, it should be recollected that political offences varied in degree as much as offences against the person, and therefore it would be unjust to apply the same punishment in all cases. The offences of which these men had been guilty were of a very serious character. They had collected together and harangued seditious meetings, advising the people to arm themselves and take away the property of the rich, and telling them that there were at Bolton 50,000 and at Birmingham 150,000 men armed and ready to join them for that purpose. These were called political offences merely because the offence had a political object, but the consequences were serious in the extreme. The prisoner Carrier said,

> "There is such a thing as a box of lucifer matches. A box of lucifer matches costs one penny. Talk of physical force! You may have more physical force for a penny than is to be found in a whole regiment of soldiers."

The result was several incendiary fires. He thought that political offences should be punished according to the degree of criminality which belonged to them, and the consequences which were likely to result from the commission of the offence.

Mr. Serjeant *Talfourd* complained that, when imprisonment was all that the law awarded for crime, other means should be silently adopted, by which the imprisonment was turned into something very different from the punishment contemplated by the law. It might be that the punishment to which the hon. Member for Bath had alluded was not a sufficient punishment for the crime committed, but if that were so, let the law be made more stringent. While, however, the law remained in its present state, it was the duty of the House of Commons to step in, and take care that moral torture was not silently inflicted. In the case of Mr. Vincent, where the sentence expressly declared that there should be nothing more than imprisonment, he had been transferred by the Government to a place where he was subjected to the correctional discipline observed in transportation cases, and had suffered indignities, the effects of which must last much longer than the imprisonment, and which, indeed, he must feel as long as memory and consciousness remained. The system of prison discipline required the vigilant superintendence of Parliament. Let it be recollected, also, that the same punishment might be inflicted on persons convicted of other than political libels. At this moment many of the Conservative booksellers in Manchester were exposed to proceedings for publishing in a collected form the words of one of the greatest poets that ever adorned this country. Such proceedings were disgraceful to those who had instituted them; it would be disgraceful to the Attorney-general if he did not put a stop to them; and it was disgraceful to the law that they should ever have been begun. He should be disposed, if this motion were pressed to a division, to support it unless he received from the Government an assurance, that in future the letter of the law should be adhered to.

Lord *J. Russell* was rather surprised to hear that his learned Friend intended to vote for this motion, or that he wished to receive from the Government some vain and unsubstantial declaration, as a substitute for it. The hon. Gentleman wished to have some declaration that the law should be executed in a certain manner, which he did not devise; and the hon. Member for Bridport said, he hoped the Government would assure the House that the punishment of political offenders should be executed in a manner which the public would sanction. He felt, however, that he was incapable of giving any such assurance. How could he say that the law would be executed in any other manner than that in which the law pointed out? How was he to know the variations which public feeling were to undergo on this point? The petition which his hon. Friend presented, and which was printed, with another petition which contradicted it, that contradiction might remain unknown, and that petition, full of unfounded statements, might greatly influence the public on that subject. As to this motion, he would first ask, what were the words?

> "A large number of persons have since been convicted of offences of a similar character, and the greatest portion of those persons, contrary to custom, are, as well as the above-mentioned William Lovett and John Collins, placed on the criminal side of the gaols to which they have been respectively sent, and are there treated after the manner of persons convicted of the most heinous and detestable crimes."

What did that mean, but that no person convicted of political offences should be hereafter placed on the criminal side of the gaol. If there were any sense at all in the resolution, that was the meaning of it. The hon. and learned Member for Reading said, it was unfair to enter into the nature of the offence; the real question was, whether persons convicted according to law should be punished according to that law, or that something should be added to the system of prison discipline; but that was changing the whole question. The motion of the hon. Member for Finsbury was, that political offences were different from others, and that the treatment ought to be different. If that were applicable to all cases, then the course was to bring in a law to alter prison discipline in respect to such offenders. That was the true remedy. But the object was, to have some great sympathy excited for these political offenders. It was no easy matter, when the country was in a state of very great disturbance, and, in places, on the eve of a riot—when they heard of houses destroyed in one place, parties marching in arms in another, and persons from all sides asking for protection of troops and a more rigorous enforcement of the laws—it was no easy matter to meet all those dangers and to enforce the law, without bringing before the proper tribunals, and obtaining the punishment of those persons, who put in jeopardy and alarm the persons and property of the well-disposed part of the community. But, after that was executed, when those persons were imprisoned, and the country was in peace, then to bring forward the cases of those persons, because one had not got the diet which he thought suited him, and another sat on a stone floor, was not very difficult; and it was made to be a great grievance, that persons convicted of misdemeanours only should be treated after the same manner as persons who had been convicted of the most heinous crimes. He had observed the first petition of Mr. F. O'Connor, and he thought there appeared to be a readiness in it to make whatever plan adopted a grievance. The magistrates first put him into one particular class of misdemeanants. He complained of that. They then told him, he should not be confined with those persons, and that he should have separate confinement; but he then complained of suffering solitary confinement. With regard to the case of Lovett and Collins, he thought it was necessary to show, that there was great distinction between common seditious libels and the offences of which those persons had been guilty. He thought persons writing newspapers, and using in the course of that discussion seditious language, and were then convicted of seditious libel, that might not be a very grave species of offence; but what was the offence of these persons? They had resisted the London police at Birmingham, and had aroused the people against them, calling them bloodthirsty police; telling the people they were the best judges of what was their own strength and their own resources, and clearly implying that persons ought to use force to resist those who maintained the authority of the law. What were the circumstances? A great mob was collected, great outrages were committed, two or three houses were set fire to, and they were only resisted in their course by the military. What was the consequence of that? First, a great loss of property, and danger to innocent persons; next, that persons were found guilty of breaking into those houses, convicted of a capital offence, and it was only by the mercy of the Crown that they were saved from execution. Now, would they say, that persons exciting the people of Birmingham to rise against the lawful authorities were to be compared to ordinary seditious libellers? Therefore, when he saw a complaint of one of those prisoners who were confined for such an offence, of a number of petty details, no doubt annoying in themselves, but all of which did not amount to much, he must say, that the attempt to excite great sympathy was somewhat out of place, and that the innocent and peaceable inhabitants of Birmingham, who suffered in their property in consequence of those outrages, and even those persons who were led into crime by such instigations, were far more deserving of pity than those who had suffered one year's imprisonment in consequence of offences which were called simply sedition libels. The hon. Member for Bridport had read a paper, containing an account of the regulation of gaols formerly, when all prisoners followed their own amusements, and there was a great relaxation of prison discipline. But if rules of prisons were made more severe, without special exceptions, he believed it would be difficult to give the same indulgence now. He thought that as these cases had arisen, they had been treated by his noble Friend, Lord Normanby, with all the attention they could require; and the hon. and learned Member for Reading did not deny that, in the case of Vincent, where it was made clear that there had been undue severity towards him, he was transferred to another gaol; and when a complaint was made of this treatment in another gaol, the magistrates, in conjunction with the Secretary of State, paid immediate attention to that complaint. The hon. Member for Bridport had adverted to another bill, which had been sent in last year to the other House, and when his noble Friend Lord Normanby saw a clause in it respecting political offences, he said, there were cases of political libels, as well as other kinds, such as being concerned in a duel, by which persons might be guilty of misdemeanour, and in which it might not be proper to enforce all the rules of the prison; and, therefore, proposed that persons committed for misdemeanour should be divided into two classes. He thought that met the justice of the case. He thought, also, that the character of political offences did contain other cases to which the full extent of prison discipline ought by no means to be extended. They had seen, in one case, that the judge had thought proper to sentence one of those persons to hard labour; that could not be a case to which such indulgence could be applied. Upon the whole, he trusted that the House would not agree to this vague resolution. It was impossible to say what would be the effect of it; but it seemed to him to be one of those resolutions, which made a complaint of the general administration of justice in the country, and without answering any beneficial end.

Mr. *Hume* said, the noble Lord seemed to vindicate the severity which had been exercised, and the degradation which had been practised towards persons who were now confined for political offences, and the noble Lord defended it boldly, and said the magistrates were not to blame, but that it was the Government that was to blame. What was the crime of these persons? They had endeavoured to bring forward the charter of the people, and to produce a change in the Government. Now, in 1833, what was the state of public feeling, and what was imputed to him, and others on that occasion, when they wanted an extension of the suffrage and an abolition of the abuses of the representation in this House? Did he not recollect the right hon. Baronet, the Member for Pembroke, saying they had gone to the very verge of the law? Every charge that was made against them in 1832, was the same as the charges now brought forward by the noble Lord against these persons on this occasion. The noble Lord had mixed up meetings which were held for obtaining the charter with burning of houses and other offences, and what was the fate of these men, guilty only of political agitation? They were treated like felons. But he asked the House to look at the course pursued by the Tory Government in the cases of Sir Charles Wolsley and Mr. Edmunds. Were they treated as felons? Certainly not. The noble Lord, and those who sat upon the bench with him, were quite as culpable as Carrier, Potts, and Roberts, in getting up public meetings. The noble Lord, in the course he was taking, was acting a most ungenerous part. He did not look at the state of the country, nor the state of feeling naturally excited by the desire to obtain constitutional reform. It was very easy to charge persons with calling a seditious meeting, for if the meeting failed in its object, there was no difficulty in accusing all who attended that meeting with sedition. The noble Lord had not treated the motion of the hon. Member with fairness. If the noble Lord had attended to the tone of public meetings of late, with reference to the treatment of political offenders, he would find there was no necessity to excite public feeling, for the feeling on the subject was already sufficiently acute. The treatment of political offenders at the present day was infinitely more severe than in former times. He regretted the speech of the noble Lord, for he considered that to the noble Lord was mainly to be attributed that additional harshness with which political offenders were now visited. He reminded the noble Lord that it was by public meetings and by public feeling that he was introduced to office, and retained in office.

Sir *R. Peel* said, in the last and preceding Sessions, when the country broke out into disturbance, he had strenuously advocated the propriety of trying the efficacy of the old laws, before the Government resorted to new laws. On that, as on other occasions, he had noticed a disposition to underrate the real vigour of the existing statute laws of England; and when he gave the advice which he did on those occasions, it was in the expectation that the laws as they then stood, would be carried into effect with vigour and impartiality. He expected that two classes would be found on whom it would be necessary to enforce the law. The first class consisted of ignorant persons who resorted to physical force to carry out their objects; and the next class were those who had deluded those ignorant persons—who, by means of superior art and the power that the press afford them, brought physical force into action—themselves remaining in the back ground in safety. He had sympathy for those ignorant and deluded men who broke the law by overt acts. He repeated, he had more sympathy for those poor men than for those who perverted the public press—an engine that ought to be used only for the purpose of spreading sound information—to mercenary and wicked objects, thereby deluding others, and, if successful, coming forward and reaping, as assuredly they would—the whole of the harvest; but in case of failure, leaving their dupes to sustain the whole weight of punishment. He had no sympathy for that seditious class of libellers who worked on popular feeling by putting forth exaggerated statements—who dealt in falsehoods or perversions of facts. For such persons, he confessed, he felt no sympathy; but at the same time those persons ought not to be subjected to any punishment which the law did not sanction. But the question now was, did the law, asit at present stood, authorise the infliction which the complaining parties had sustained? If it did not they had their remedy, for the law would never tolerate any species of illegal imprisonment. If the law was broken in this instance, why did not those who professed sympathy for the sufferers appeal to the courts of law? If the sentence were such as the law warranted, let them try to alter the law; but if the law were violated, the aggrieved parties were entitled to redress. He was the person who, in 1824, introduced the present law. Not the magistrates, not the gaolers he contended, nor the executive government, but the House of Commons, he contended were in fault. From the time when the law was first introduced, a great change of feeling had taken place. In 1824, complaint was made that a distinction was made between the rich and the poor. It was urged, that persons committing the same offence were treated differently. That severity was exercised towards the poor, and laxity practised towards the rich; that the poor were kept strictly, while the rich were permitted comforts, and to have the visits of their friends. On account of that state of feeling the law was altered. The argument then was—if those offences were committed by educated men, they deserved less sympathy than ignorant men. On that ground the House of Commons called upon the executive government not to make a distinction between the rich and the poor, alleging that though the punishment might be heavier on the first class than on the second, yet this was but just, as the educated and rich man had not the same temptation to break the law that the poor man had. The poor man's want of knowledge formed a partial excuse, but the rich man's education left his fault without palliation. This doctrine, however, ought not to be pushed to an extreme, for there could be no doubt, that the same degree of punishment operated with greater severity on one class than on another. If, however, they now, from the altered state of feeling, complained of the law which the state of feeling in 1824 rendered necessary, the remedy was not by resolutions against magistrates or gaolers, but in the alteration of the law. He objected to the resolution proposed by the hon. Member on another ground. The whole of the debate on the subject had left an impression on his mind, that the House of Commons was not the proper place to discuss the matter; the proper place was a court of law. If Mr. F. O'Connor had been punished for a political offence, and the subject of punishment for political offences was brought before the House, why was the matter confined to that particular question?—why did they not go further? If one person was punished for a political offence, that ought not to be the foundation for altering the law. If the House proceeded on such a principle of legislation, the whole four days would not be adequate to get through the business, nor did he know any species of machinery which would be sufficiently effective to do what was required. Then, again, he objected to dealing with this case by resolution. The only effectual way of dealing with it was by a law. The introduction of the word "political offences," must have convinced the hon. Member for Finsbury, that it was impossible for the House of Commons to agree to the resolution in its present form. The resolution declared the opinion of the House, that such a mode of carrying out the penalties of the law for "political offences" was unaccustomed. Yes; but it did not say seditious libels. "Political offences" was a more general designation than was applicable to the case. The resolution said, that the practice was contrary to custom. He admitted it to be contrary to what the custom was before it was altered, but the intention was to alter the custom. He admitted, that the punishment dealt out to political libels (distinguished from overt acts of violence) was more severe, but there were parties who had not committed overt acts of violence, but who gave instructions to a mob how to meet a military force. Such instructions had been sent to Birmingham and Newport, not saying, "I advise you to rise, and I will share your danger and lead the attacks," but giving extracts from foreign publications, showing the more effectual means, by the aid of pikes and other weapons, of resisting a military force. Detailed instructions were given how this should be done, partaking in a great degree of the nature of the philosophical treatise upon Lucifer matches. Could any one doubt, that it was the intention of the persons who sent these instructions to excite the people to violence, and that they were more dangerous persons, and less entitled to sympathy than the poor peasant, earning nine or ten shillings a week, who read the treatise, and then placed the Lucifer matches under a hay-rick. He would not be a party to the House of Commons expressing any sympathy for seditious libels. If the House thought proper to pass a law, it could declare what seditious libels should be exempt from severity or degradation, and what should not; but if they merely came to general resolutions, no one would know what was meant; but the time would come when the resolutions of the House of Commons would be appealed to, and when the country was in a state of excitement, interested parties would say—"the opinion of the House of Commons is in your favour—the House of Commons, passing by murder and arson, show sympathy only in favour of political offences." Then the resolutions went on to say, that no restriction or degradation should be inflicted beyond what the safe custody of the prisoner required. Who was to be the judge of this? There must be a different rule in every gaol in the kingdom. The gaoler of one gaol would say, "There must be greater restriction in this gaol than in others, for I am responsible for the safe custody of the party, and therefore the degradation which is inflicted is not for the sake of degraation, but for safe custody." Who was to judge of this—the House of Commons? How could they? If they differed from one gaoler and the magistrates, were they to bring the parties before them—not for a breach of the law, but a violation of their resolution? Suppose the gaoler said his measures were not at variance with the law, but only with the resolution of that House. It appeared to him, that the hon. Member was claiming by resolution to lay down a law in prison matters. He believed, that it was of importance that punishment should be so meted out as to carry the public sympathy with it. But he had yet to learn that the public sympathy was with those offences, and he believed if such offences should occur again at Birmingham and Newport—if they adopted a misplaced lenity, so far from the public sympathy being with them, the public indignation would be directed against the House of Commons. If the law were in a bad state, let them apply themselves to its consideration, and calmly and maturely altering it where it required alteraation, but let them not pass equivocal resolutions which might be at variance with the law, which the subordinate officers of the law could not understand, which would be a delusion upon the people, and which would show that the House of Commons sympathised with a class of persons who were entitled to no sympathy, and met with no sympathy from the public.

Mr. *Aglionby* felt it his duty to vote for the motion of his hon. Friend the Member for Finsbury. The returns on the table were quite sufficient to justify that vote; and there was no want of precedents to show that such motions had before now been entertained, as they certainly were most fit subjects for the consideration of the House. He repudiated all sympathy with those who infringed the public peace by inciting the people to arson, or any attempt that could endanger life or property; but he had a strong feeling that punishment ought to be apportioned to the offence, and that the more it carried public feeling with it, the more certain it was to be effectual.

Mr. *C. Buller* said, that strongly as the resolution was worded, he should vote for it, because it expressed the feeling which he believed the great majority of his countrymen entertained, that there had been a most unjust severity of treatment towards those persons who were imprisoned for seditious libels. But what was the punishment which Sir Francis Burdett, who was charged with having—when a mob had been put down by the lawful exercise of the law of the land, and when blood had been shed—with having chosen to write an inflammatory letter, exciting the people against the constituted authorities of the country? That was held to be an offence in the eye of the law, whether justly or not was another question; but he contended, that the same principle ought to be applied to these same persons as had been applied to Sir Francis Burdett and others. Sir Francis Burdett had never been doomed to be washed in a common bath with felons; he had never been made to trot round a ring with felons "for exercise" as it was termed. Sir Francis Burdett had never had inflicted upon him the illegal punishment of the itch. It was the basest and most stupid system of arbitrary power to attempt to confound the two descriptions of offences, and to treat political offences like those of felons.

Mr. *Hamilton* supported the motion of the hon. Member for Finsbury. He thought it was clearly shown by this debate, that a different classification of prisoners was required. All the arguments that had been used by hon. Members on both sides, confirmed his previous conviction that it was most unwise to place prisoners convicted for misdemeanours and those incarcerated for political offences in the same wards, and subjected to the same discipline. He was no advocate for offences of this kind, but where so much freedom was used in debates in this House, he thought some allowance ought to be made to those who followed their example, and he should therefore vote for the resolution.

Mr. *Williams* rose to move, that the debate should be adjourned to Friday next, but in compliance with the wish of the House, proceeded, and contrasted the treatment of former political offenders with those whose case was now before the House. Would the right hon. Baronet have suffered Sir Francis Burdett to be imprisoned and treated in such a manner? He was certain that he would not; and, moreover, that if he had been in power, he would not have suffered it in the case of these persons. The question was not whether these men had been guilty of seditious offences of greater or less magnitude, but whether their treatment in prison was such as it ought to have been? He thought the conduct of the Government had been highly reprehensible, and he should, therefore, vote for the motion of the hon. Member for Finsbury.

The *Attorney-General* said, no one regretted more than he did, any unnecessary harshness that might have been shown to those convicted in the recent prosecutions. He believed, that when such cases were brought before the consideration of the Government, they had been corrected as soon as the information had been received. But when he found attempts made to excite sympathy in favour of those convicted by exclaiming against the new hardships of instituting these convictions, he felt it his duty to enter his protest against it. In former times, political offences were understood to be attacks upon the Minister of the day. Whatever gave offence to the feelings of individuals was a libel, and the Attorney-generals of former times used to file informations *ex officio* for such publications as libels. He was not then going to enter into an invidious distinction between the present and past Governments, but the prosecutions for what were now called political offences, were for direct incitements to crime. He had had the honour of being Attorney-general longer than any individual during the present century, yet he had filed only one *ex officio* information for a libel, and in conducting that prosecution, he had told the jury that unless they believed the defendant' intentions was to incite to insurrection and plunder it would be their duty to acquit him. That question was put by the judge to the jury, who, without hesitation, found a verdict of guilty. Now, he said, the individual thus found guilty ought not to be treated with unnecessary harshness, but was this person to be considered as guilty only of what was called a political offence, and to have the sympathies of mankind called forth in his favour as one who was persecuted and oppressed? He was engaged in prosecutions at Newport, Bradford, and Sheffield, in which the prisoners were convicted, and were now undergoing the sentences of transportation or imprisonment. Mr. Feargus O'Connor boasted that he had not appeared in any of those transactions, but he said, that the publication of that which had a direct tendency, and with the intention to excite to crime, was one equal to that of which those persons had been convicted. This was the only *ex officio* information he had filed. He had presented bills to the grand juries, and it was owing to these, and the petty juries having done their duty, and taken a different view of the case to some hon. Gentlemen, that the peace of the country had been preserved. He thought it his duty to protest against exciting sympathy in favour of those who had violated the law, and committed offences which the safety of the country required should be visited with severe punishment.

Mr. *Muntz* said, some hon. Members had expressed surprise that he had taken no part in the debate, but at the period the disturbances which had been adverted to occurred in Birmingham, he was 200 miles distant from that place, and all he knew on the subject was from hearsay. But with respect to the motion before the House, whether the blame—for there was blame somewhere—attached to the Government or to the magistrates, was the same thing to him, and to Lovett and Collins, and as the resolution only stated there was blame, he should support it.

Mr. *T. Duncombe* rose to explain, with reference to the petition which he had presented, and to which allusion had been made. Vincent wrote to him, informing him of the hardship he endured from the severity of the prison discipline, and added:—

> "If you think that a petition would have any effect, and will make it known to us by letter, we will immediately forward one for presentation."

Whereupon he wrote him;—

> "I have received your letter, and think the best thing you can do will be for each to send me a petition, setting forth all the circumstances connected with his case, taking care, that the allegations are short and clear, and above all, that every fact touching your treatment is rather under than over-stated, and I will again to call the attention of the House to the subject."

There was, therefore, no ground for saying he sought the petitions, for the petitions sought him, and he felt it his duty to present them, as he now did, to take the sense of the House on the motion.

The House divided on the original question:—Ayes 117; Noes 29: Majority 88.

List of the AYES.

Abercromby, hn. G.R.
Adam, Admiral
Anson, hon. Colonel
Archbold, R.
Bailey, J. jun.
Baldwin, C. B.
Baring, rt. hn. F. T.
Barnard, E. G.
Bewes, T.
Blackburne, I.
Blake, W. J.
Botfield, B.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brownrigg, S.
Bruce, C. L. C.
Bruges, W. H. L.
Buller, Sir J. Y.
Burrell, Sir C.
Busfeild, W.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Clay, W.
Cochrane, Sir T. J.
Dalmeny, Lord
Darby, G.
Douglas, Sir C. E.
Eliot, Lord
Elliot, hon. J. E.
Estcourt, T.
Farnham, E. B.
Fitzsimon, N.
Gladstone, W. E.
Gordon, R.
Goulburn, rt. hn. H.
Graham, rt. hn Sir J.
Greene, T.
Greenaway, C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Hale, R. B.
Hamilton, Lord C.
Hawkins, J. H.
Heathcoat, G. J.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Hoskins, K.
Howard, hn. E. G. G.
Hughes, W. B.
Hurst, R. H.
Inglis, Sir R. H.
Jackson, Mr. Sergeant
Jones, Captain
Kemble, H.
Knight, H. G.
Labouchere, rt. hn. H.
Lemon, Sir C.
Lowther, hon. Col.
Lushington, C.
Macaulay, rt. hn. T. B.
Mackenzie, W. F.
M'Taggart, J.
Marshall, W.
Melgund, Visct.
Mildmay, P. St. J.
Morpeth, Visct.
Morris, D.
Norreys, Sir D. J.
Palmerston, Visct.
Peel, rt. hon. Sir R.
Pendarves, E. W.W.
Perceval, Colonel
Pigot, D. R.
Price, Sir R.
Protheroe, E.
Pryme, G.
Rae, rt. hon. Sir W.
Rawdon, Col. J. D.
Rolleston, L.
Round, J.
Rundle, J.
Russell, Lord J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hn. R. L.
Sibthorp, Colonel
Slaney, R. A.
Smith, R. V.
Sotheron, T. E.
Stanley, hon. E. J.
Stansfield, W. R.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Tancred, H. W.
Troubridge, Sir E. T.
Tufnell, H.
Villiers, Viscount
Vivian, J. E.
Vivian, rt. hn. Sir R.H.
Waddington, H. S.
Westenra, hon. H. R.
Williams, W. A.
Wood, G. W.
Wrightson, W. B.
Young, J.

TELLERS.
Maule, hon. F.
Parker, J.

List of the NOES.

Aglionby, H. A.
Bridgeman, H.
Brotherton, J.
Buller, C.
Collins, W.
Ewart, W.
Fielden, J.
Finch, F.
Hamilton, C. J. B.
Hector, C. J.
Hindley, C.
Hume, J.
Jervis, J.
Leader, J. T.
Muntz, G. F.
O'Brien, C.
Redington, T. N.
Salwey, Colonel
Scholefield, J.
Somers, J. P.
Talfourd, Mr. Serg.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
Williams, W.
Wood, B.

TELLERS.
Duncombe, T.
D'Israeli, B.

Order of the Day read.—Estimates presented.—Committee of Supply deferred.

HOUSE OF LORDS,

Monday, July 13, 1840.

MINUTES.] Bills. Read a first time:—Infant Education.—Read a third time:—Timber Ships; Arms (Ireland); Borough Watch Rates.

Petitions presented. By Lord Brougham, from places in Cheshire, against the Weaver Churches Bill.

ROYAL MESSAGE—REGENCY.] Viscount Melbourne announced a message from her Majesty, which was read by the Lord Chancellor as follows:—

> "VICTORIA R.
>
> "The uncertainty of human life, and a deep sense of My duty to My people, render

it incumbent upon Me to recommend to you to consider contingencies which may hereafter take place, and to make such provision as will, in any event, secure the exercise of the Royal authority.

"I shall be prepared to concur with you in those measures which may appear best calculated to maintain unimpaired the power and dignity of the Crown, and thereby to strengthen the securities which protect the rights and liberties of My people.

"V. R."

Message ordered to be taken into consideration on the following day.

ADMINISTRATION OF JUSTICE—EQUITY.] The report of the Administration of Justice Bill having been brought up,

Lord *Brougham* expressed a hope that, at no distant time, some large and comprehensive measure would be introduced for expediting and simplifying equity business, not by taking away the judicial functions of that House, but by rendering them more efficient. He was of opinion that some improvement might be made in the judicial Committee of the privy council, which, however, had operated beneficially since the plan was devised in 1833. He thought, also, that it would be beneficial if a power were vested in the Court of Chancery, and the equity courts connected with it, to frame rules for the especial regulation of those courts, as to the time of meeting, the mode of pleading generally, and the mode of taking evidence. Such a power, properly exercised, would be of great benefit to the profession, and to the respective suitors also.

The *Lord Chancellor* approved of the suggestions of his noble and learned Friend, which were well worthy of consideration.

Lord *Ellenborough* was of opinion, that the bill as it now stood, was a much better bill than it was before it was submitted to the Select Committee, and he, for one, would not object to the bill, because it did not contain all those provisions which theoretical reasoners might wish.

Report agreed to.

GOVERNMENT OF CANADA.] On the Order of the Day for the third reading of the Canada Government Bill (with amendments) being read,

The Duke of *Wellington* merely rose to state to their Lordships that he still entertained the same opinion to which he had given expression upon the second reading of this bill, and that nothing that had passed since that occasion, had in the slightest degree tended to alter that opinion, notwithstanding the amendments which their Lordships had made in Committee. He honestly recommended their Lordships to allow this bill to go down for further consideration to the other House of Parliament. He thought it would be safe to have the opinion of the other House upon this measure, and he believed it would be prudent for her Majesty's servants to adopt that course. With respect to the Canadas themselves, he thought he could see much that ought to be found fault with in relation to the question of local responsible governments. Their Lordships, if they could not have the opinion of the Legislature of Lower Canada, ought to have had the unbiassed opinion of the Legislature of Upper Canada, which assisted her Majesty in maintaining her government in that country, and in driving out what he might call the foreign enemy. They ought to have had that opinion, unbiassed by any influence or opposition; and measures ought fairly to have been taken to make known the real opinion of her Majesty's Government. A circumstance had come to his knowledge with respect to that transaction which was of a very curious nature. It appeared that some public officers of the Canadian Government had retired from Toronto upon the appearance of the despatch of the 14th of October, 1839, and had resigned their offices, because they could not support this measure of the Government. One of those persons was the Solicitor-general. But here it should be remarked that the despatch, though dated on the 14th of October, 1839, was not published until the 13th of March, 1840, and in the mean time there was a prospect of a general election. The new Solicitor-general notified his intention of standing for Toronto itself, and declared openly that he came forward upon the principle of "local responsible governments." That same person still remained Solicitor-general, notwithstanding his declaration, and the publication of the despatch of the 14th of October, 1839, which declared that those who differed from the Government must expect to lose their offices. What, then, must the public expect either in Canada or in this country under these circumstances? If a Solicitor-general, after making such declarations, neither retired nor was dismissed from his office, was it far from the truth to say that the question of "local responsible government" was secretly encouraged by the Government of the mother country, notwithstanding the declarations of Parliament, and the still more forcible announcements made in the public despatch to the Governor? Under these circumstances he must say not content to the third reading of this bill, at the same time recommending their Lordships to refer it to the other House for further consideration.

Lord *Ellenborough* said, that his opinion upon this measure remained unaltered, and that all the consideration he had given to the subject, and all the discussions that had taken place upon it, had considerably strengthened and confirmed that opinion. He should, in a protest, place a permanent record of his disapproval of the measure upon the journals of their Lordships' House. He feared it was more calculated to lead to a separation between the mother country and the colonies than to bind them closer together. In the paper last printed for the consideration of their Lordships, and which ought to have been printed at the very commencement of these proceedings, it was stated that the opinion of her Majesty's Ministers had not been so decidedly expressed as to have had any material effect in setting the question of responsible government at rest. The despatch of the 14th of October, 1839, sent out by Lord J. Russell, which would have set that question at rest, had never been published; Mr. P. Thomson did not even acknowledge the receipt of it, although he acknowledged the receipt of a letter of the date of two days afterwards.

Viscount *Melbourne* regretted that the noble Duke and the noble Baron had taken their present course. The noble Duke had repeated his animadversions on his noble Friend for not publishing the despatch of the 16th of October, 1839, earlier than March last. His noble Friend had acted to the best of his judgment, and as he believed from sound policy, thinking that to be the safer course for the service and benefit of the state. He had often felt it extremely difficult to know what to do in similar cases. When an erroneous opinion took possession of the public mind, it was by no means an easy task to say what should be done. Sometimes it would be prudent to meet it with explanations and corrections; at other times it might be equally wise to let it pass over, to give it its way, and not to meet it with any violent opposition. It very much depended upon the strength of public feeling with regard to an erroneous opinion, whether it was dying away or increasing, what course should be taken. He thought that his noble Friend had acted upon that line of policy: having taken into view the state of Upper and Lower Canada, he had thought it best and most wise not to publish that despatch, or to state to the people of that country the full opinion of Government upon the subject, with which, allow him to say, they were fully and entirely acquainted, because it was perfectly well known there that the opinion of this country and this Government was entirely opposed to "independent responsible Government." He was sure that not only lately, but more than once during the last Session of Parliament, his noble Friend had stated his decided adherence to the opinions he had before expressed, and it could not be for the purpose of concealing those opinions from those who were the advocates of what was termed "responsible government," that his noble Friend did not think it fitting to have that despatch published, but that he thought, upon the fair exercise of his judgment and discretion, it would be better for the public welfare that it should not be published. He had been told by the noble Duke that a Solicitor-General had left Toronto, and given up his office, because he disapproved of the measures which at that time, were just brought forward by the Government. The fact was, that the Attorney-general resigned, and the Solicitor-general was offered the situation which had thus become vacant, and the offer of that office was accompanied by the communication of that letter of Lord J. Russell upon "responsible government," and that he concurred in the opinions contained in that despatch, and said that all he required was, that the Government should be administered according to the explanation of Lord J. Russell, and more in accordance with the general views and wishes of the community. He greatly lamented that the noble Duke should again express his disapprobation of the bill, and his distrust of its effects; and he only hoped and trusted that the anticipations and prophecies of the noble Duke would not be found hereafter to be characterized by the usual sagacity and foresight of the noble Duke.

The Duke of *Wellington* repeated, that the person whom he had mentioned had declared himself in favour of responsible government in his electioneering speech. What he insisted upon was, that a full declaration, an authoritative declaration, should have been made, that the question of "independent responsible government" was totally inadmissible.

Lord *Ellenborough* said, the noble Viscount had now stated that the positive opinion of the Government had been conveyed to Canada by the despatch of the 14th of October, 1839. Mr. Thomson, however, although he was aware of the opinions of the Government, placed in the situation of Solicitor-general Mr. Baldwin, who was the advocate of responsible government.

The Earl of *Ripon* said, that if this bill was to pass, their Lordships must all wish that its provisions should be carried into effect, and that the objects of it should be attained. He must say, however, that if the Government were to employ persons in high and responsible situations, who on great fundamental principles of government entertained opinions diametrically opposite to those which the Government had in the most public and solemn manner avowed, it was absolutely impossible that this measure should succeed. Did the Government mean, if Mr. Baldwin avowed that he held the opinions which had been attributed to him, to remove that gentleman, or call upon him to resign? If they did not, he would say that they betrayed their trust, and were the real authors of the separation of the colonies from this country.

Lord *Brougham* need hardly state to their Lordships that he retained the opinions which he had already expressed upon the subject, and that his objections to the measure had not been removed. These objections chiefly referred to the want of consent on the part of the colonies, and he thought that this bill must lead to a separation between the colonies and the mother country. With the opinions which their Lordships knew he entertained, he should not lament this if he did not fear that when this event did take place it was most likely to be in ill blood. He could not help saying that, having attended to the different arguments and evidence relating to the controversy which had arisen on the withholding of the despatch of the 14th of October, his opinion was, that if the province was led into error it was not much to be wondered at.

Viscount *Melbourne* had been most distinctly given to understand, that Mr. Baldwin had declared, previously to his accepting office, that he adopted the idea conveyed by the words "responsible government" precisely in the sense used by the noble Lord, the Secretary for the Colonies, and that he did not wish for responsible government in the sense employed by the noble Duke. As to the conduct of his right hon. Friend, the Governor-general, in not putting forward the despatch of the 14th of October, and whether he had acted wisely, and for the service of the country, much difference of opinion might exist on that point. It had always been a question which led to much difference of opinion between his noble and learned Friend and himself, when an erroneous impression had taken possession of the popular mind, as to the best course which could be pursued. His noble and learned Friend, with the high and commanding energy which distinguished his character, was always for stemming and facing popular opinion; he, on the other hand, leaning to the course of policy for which his talents fitted him, was rather inclined to let it slip by. In fact, he did not know any question more difficult to decide than this—whether it was the wiser plan to meet popular error in the front, or to let it flow on and spend its force. It appeared to him, that the Governor-general must be in a better position to judge of the propriety of the course which he had to take than their Lordships could be, and the result had been favourable, for, as he understood from Sir G. Arthur, the feeling in favour of responsible government had, in a great measure, passed away.

Bill read a third time and passed.

The following protests were entered:

Protest of the Duke of Wellington against the third reading.

Dissentient,

1. Because the union of the two provinces of Upper and Lower Canada into one province, to be governed by one administration and legislature, is inconsistent with sound policy.

2. Because the territory contained in the two provinces is too extensive to be so governed with convenience.

3. Because the communications from one

part of the country to others are very long and difficult; the difficulties whereof vary, not only in different localities and parts of the country, but in the same locality at different seasons of the year.

4. Because the expense which might be incurred to remedy the inconveniences and to overcome the difficulties of the communications at one season would not only be useless, but might be prejudicial, and render the communications impracticable at other seasons.

5. Because, even in the hypothesis that a central place is fixed upon as the metropolis and seat of Government of the United Province, and for the Assembly of the Legislature, still the communication with the distant parts of the United Province would require a journey of from 500 to 1,000 miles by land or by water, and in most cases by both.

6. Because the inhabitants of these provinces, having originally emigrated from different parts of the world, talk different languages, and have been governed, and have held their lands and possessions under laws and usages various in their principle and regulations, as are the countries from which they originally emigrated, and as are their respective languages.

7. Because portions of this mixed population profess to believe in not less than fifteen different systems or sections of Christian belief or opinion; the clergy of some of these being maintained by establishments, those of others not, the Roman Catholic clergy of French origin being maintained by an establishment, while the Roman Catholic clergy attached to the Roman Catholic population of British origin have no established maintenance, and the system of provision for the clergy of the churches of England and Scotland is still under discussion in Parliament.

8. Because these inhabitants of the two provinces, divided as they are in religious opinions, have no common interest, excepting the navigation of the river St. Lawrence, in the exclusive enjoyment of which they cannot protect themselves whether internally, within their own territory, or externally, but they must look for protection in the enjoyment of the same to the political influence and naval and military power of the British empire.

9. Because the legislative union of these provinces is not necessary in order to render them the source of great influence and power to the mother country.

10. Because the operations of the late war, terminated in the year 1815, by the treaty of Ghent, which were carried on with but little assistance from the mother country in regular troops, have demonstrated that these provinces are capable of defending themselves against all the efforts of their powerful neighbours, the United States.

11. Because the military operations in the recent insurrection and rebellion have tended to show that the military resources and qualities of the inhabitants of Upper Canada have not deteriorated since the late war in North America.

12. Because the late Lieutenant-governor of Upper Canada, Sir Francis Head, having, upon the breaking out of the rebellion in Lower Canada, in the year 1837, detached from Upper Canada all the regular forces therein stationed, relied upon the loyalty, gallantry, and exertions of the local troops, militia, and volunteers of the province of Upper Canada.

13. Because, with the aid of those under the command of the Speaker of the Legislative Assembly of Upper Canada, Colonel Sir Allan M'Nab, he first defeated the rebels in Upper Canada, and then aided in putting down the rebellion in Lower Canada, at the same time that he was carrying on operations in resistance to the invasion of the province under his Government by plunderers, marauders, and robbers from the United States, under the name of sympathisers in the supposed grievances of the inhabitants of the provinces of Upper and Lower Canada.

14. Because the Legislative union of the two provinces, although the subject of much literary and other discussion, had never been considered by the Legislature of Upper Canada, excepting on terms which could not be proposed, or by any competent authority in the Lower Province, excepting in the report of a late Governor-general.

15. Because the bill introduced into Parliament in the year 1839, having in view a legislative union of the two provinces of Upper and Lower Canada, was withdrawn before it was completed.

16. Because the Legislature of the province of Upper Canada which had co-operated with the Government under Sir Francis Head, and had enabled him, after getting the better of the insurrection in Upper Canada, to assist the Commander-in-chief of her Majesty's Forces in 1837 to put down the rebellion in the province of Lower Canada, was not fairly consulted upon the proposed measures for the legislative union of the two provinces.

17. Because a despatch, dated the 16th of October, 1839, having for its object the introduction into Upper Canada of new rules for the future administration of the patronage of the Government, and for the tenure of office, was made public at Toronto on some days previous to the assembly of the Legislature of Upper Canada, for the purpose of taking into consideration the proposed law for the legislative union of the two provinces, and the members of the two Chambers of the provincial Parliament of Upper Canada must have had reason to believe that Her Majesty's Government were anxious to carry through that particular measure; and that they would be exposed to all the consequences of opposition to the views of Her Majesty's Government, as communicated in the said despatch, if they should object to the bill proposed to them.

18. Because it is well known that there is

in Upper Canada a large body of persons eager to obtain the establishment in Her Majesty's colonies in North America of local responsible Government, to which they had been encouraged to look by the report of the late Governor-general, the Earl of Durham, recently published.

19. Because these persons considered that the despatch of the 16th of October, 1839, then published, held out a prospect of the establishment of a local responsible government under the Government of the united provinces,

20. Because another despatch, dated 14th October, 1839, appears to have been sent to the Governor-general at the same time with that of the 16th October, 1839, in which despatch of the 14th October, 1839, Her Majesty's Secretary of State clearly explains the views of Her Majesty's Government upon the subject of, and against the concession of, local responsible government in the colonies.

21. Because this despatch was not published, nor its contents made known in Upper Canada during the session of the Legislature, for the consideration of the measure of the legislative union, although called for by the provincial Parliament, upon which call the Governor-general answered by the expression of "his regret that it was not in his power to communicate to the House of Assembly any despatches upon the subject referred to."

22. Because the Legislature of Upper Canada must have voted in favour of the measure proposed to them while under the influence of a sense of the intentions of Government, declared to be erroneous, in relation to the despatch of the 16th of October; and in total ignorance of the intentions of Her Majesty's Government, in respect to local responsible government in the colonies, as declared in the despatch from the Secretary of State to the Governor general, dated the 14th of October, which it appears that his Excellency had in his possession, during the discussions in the provincial Parliament of Upper Canada, on the measure of the legislative union of the two provinces.

23. Because it appears the French population of Lower Canada have generally declared against the legislative union of the two provinces.

24. Because the bill cannot be considered by any as giving facility to the administration of the government of the province of Canada by Her Majesty's officers, when united by virtue of its provisions; and security in the dominion to the Crown of the United Kingdom.

25. Because the difficulties existing in the government of the two provinces of Upper and Lower Canada under the provisions of the act of the 31st George III., which led to insurrection and rebellion, were the result of party spirit, excited and fomented by leaders in the Legislative Assembly in each province, acting in later times, in communication, concert, and co-operation with citizens of the bordering provinces of the United States.

26. Because the union into one Legislature of the discontented spirits heretofore existing in two separate Legislatures will not diminish, but will tend to augment, the difficulties attending the administration of the Government; particularly under the circumstances of the encouragement given to expect the establishment in the united province of a local responsible administration of Government.

27. Because a spirit had still been manifested in the adjoining provinces of the United States in recent acts of outrage upon the lives and property of Her Majesty's subjects on the frontier, and even within Her Majesty's dominions, which must tend to show in what light the spirit of opposition to Her Majesty's administration in the legislature of the united province will be viewed in the United States.

WELLINGTON.

Protest against the Rejection of the Amendment moved in Clause 12, to leave out the words "An equal number of."

1. Because it is the duty of Parliament, when it enacts the union of the Legislatures of Upper and Lower Canada, during the suspension of the Legislature of the latter province, to provide that such union shall take place on principles strictly just, to which it might be presumed that the Legislature of Lower Canada, if they acquiesced in the measure of union, would not unwillingly accede, and it could not be presumed that that Legislature would consent to the provision that Lower Canada having 700,000 inhabitants, and comprising the cities of Quebec and Montreal, should have no larger number of representatives in the united Legislature than Upper Canada, which has 400,000 inhabitants.

2. Because the measure affixing an equal number of representatives to two provinces so unequal, for the temporary end of outnumbering the French, tends to defeat the purpose of union, and to perpetuate the idea of disunion, while, if emigration should largely increase the English population in Upper Canada, it will tend to give the same undue weight to the French which it now gives to the English inhabitants of the united province.

ELLENBOROUGH.

Protest against the Rejection of the Amendments to Clause 18, and the two following Clauses.

1. Because the House having decided giving an equal number of representatives to Upper and Lower Canada, a measure which in itself appears to be unjust to Lower Canada, it is the more necessary to provide that the representation of that province shall be settled in a manner unexceptionable, and calculated to give satisfaction to the great majority of its inhabitants.

2. Because the act now regulating the representation of Lower Canada was only passed

in 1829, and in the opinion of the Canada commissioners, "cannot justly be charged with unfairness;" and the proposed amendments would have left the representation of Lower Canada as it was then settled, with no other alteration than that which the necessary reduction of the total number of members for that province renders unavoidable.

3. Because the alterations in the representation of Lower Canada, contained in the bill, are partial in their character, having for their object still further indirectly to increase that disproportion between the representation of the English and French population of the provinces to be united, which is directly effected by the previous provision that the two provinces shall be represented by an equal number of members.

4. Because, if the French Canadians are to be deprived of representative government, it would be better to do it in a straightforward way than to attempt to establish a permanent system of government on the basis of what all mankind would regard as electoral frauds. It is not in North America that men can be cheated by an unreal semblance of representative government, or persuaded that they are outvoted, when, in fact, they are disfranchised.

ELLENBOROUGH.

Protest against the Third Reading.

1. Because the vast extent of the provinces to be united, the peculiar difficulty of communication between the several parts of those provinces, the dissimilar state of society in them requiring dissimilar laws, and the great amount of local and private, as well as of public business to be transacted by a legislature small in number, during a session necessarily short, combine to render it impossible that, under any circumstances, the provisions of the bill should afford a good government to the people of Canada.

2. Because the great majority of the inhabitants of Upper Canada, being sincerely loyal, that province, under a separate Legislature, and an honest executive government, discountenancing the disaffected and encouraging the loyal, might be expected to remain permanently connected with this country, and by its position and its resources, would afford the means of retaining possession of the other provinces, which, if Upper Canada be lost, it would be impracticable to preserve.

3. Because the bill, framed in a spirit of distrust of the French inhabitants of Lower Canada, yet gives very considerable power to their representatives, and while it tends to confirm their alleged disloyalty by the distrust it manifests, and by the bad government it creates, affords at the same time the means of constituting, by their coalition with the representatives of the disaffected in Upper Canada, a permanent majority in the Assembly hostile to the connexion with this country.

4. Because the bill, founded on a double error—that of undue distrust of the whole French population, and that of undue confidence in the whole population of British origin—while it gives to the former a representation inadequate to its number and to its wealth, has for its object to transfer in effect to the latter the whole legislative authority.

5. Because such legislative authority, exercised in the spirit in which it is bestowed, must permanently subject the whole French population to a rule practically worse, because partially and less enlightened, than that, which in consequence of recent events has been temporarily imposed upon it by Parliament.

6. Because it is unwise to show distrust, and yet to give power to the distrusted—to commit an injustice, and yet to afford the means of revenge; and while Parliament would be justified in taking all reasonable temporary security against suspected disloyalty, it should be its policy, as it is its duty, to extend its paternal care even to a disaffected people, and instead of confirming temporary alienation by permanent wrong, to endeavour to restore ancient loyalty by just and beneficent government.

7. Because an union between two vast and dissimilar provinces, imposed upon one in distrust of its loyalty, without its consent, and on conditions which it must deem unjust, and acquiesced in by the other from views of fiscal advantage and legislative ascendancy, contains within itself the elements of its own dissolution; and there is but too much reason to apprehend that, at no distant period, both provinces will seek a refuge from their incongruous connexion, and from the grievance of an impracticable government, in a separation from this country, to be effected only, under such circumstances, through the violent means of civil and of foreign war.

8. Because it is inconsistent with prudence to take a step which cannot be recalled under the temporary pressure of difficulties, and hastily to adopt a measure of which the proposers do not pretend to foresee the working, and which its opponents deem to tend directly to the loss of the Canadas, only because it is considered necessary "to do something" with respect to them.

9. Because it is not by such legislative union, but by institutions carefully adapted to local circumstances and social distinctions—above all, by the conferring of practical benefits, that the peaceful possession of those provinces is to be secured, by the establishment in Lower Canada of a pure administration of justice, by the grant of aid to Upper Canada for the completion of a ship canal which may connect the most remote parts of that province with the navigable portion of the St. Lawrence, and by enacting an equitable arrangement for the collection by both provinces of separate duties of customs on that river—measures essential to the well being and contentment of the Canadas, and calculated, in conjunction with the commercial favours they already enjoy, to place

their connexion with this country upon the only solid foundation—a deep conviction that they derive advantages from that connexion which would be uattainable under any form of independent or of federal government.

Ellenborough.

HOUSE OF COMMONS,

Monday, July 13, 1840.

Minutes.] Bills. Read a first time:—Church Discipline; Bribery Prevention.—Read a second time:—Joint Stock Banking Companies; West India Relief.

Petitions presented. By Mr. Loch, from places in Scotland, against Lord Aberdeen's Bill.—By Mr. Hastie, from Silk Weavers of Glasgow, against the Reduction of the Duty on Foreign Silk.—By Mr. Villiers, from Horsleydown, and other places, for the Repeal of the Corn-laws.—By Mr. Hume, from Kilwinning, for a Mitigation of the Punishment of Political Offenders.—By Sir D. Norreys, from Medical Practitioners in the South of Ireland, for Remuneration as Witnesses.—By Mr. Kemble, from the Congregation of St. Peter's Church, Walworth, in favour of Church Extension.—By Mr. Colquhoun, from Port Glasgow, for a judicious system of Emigration to our Colonies.—By Sir R. Peel, from places in Scotland, in favour of Lord Aberdeen's Bill.—By Lord J. Russell, from Medical Practitioners at Stroud, for Medical Reform; and from Poor-law Unions, in favour of the Poor-law Amendment Act.

Royal Message—Regency.] Lord John Russell appeared at the bar with a Message from the Throne. It was brought up and read by the Speaker. (See Lords Ante.)

Lord *John Russell* said, that it was the intention of her Majesty's advisers to introduce a bill into the other House of Parliament, founded on the gracious message which had just been read; but as it would not appear respectful to delay the acknowledgment of her Majesty's gracious message, he would at once propose—

"That a humble address be presented to her Majesty, thanking her Majesty for her most gracious communication, recommending this House to take into its consideration a contingency that may hereafter take place, and to make such provisions as in any event may secure the exercise of the Royal authority, and to assure her Majesty that this House will be prepared to concur in such measures as may appear best calculated to maintain unimpaired the power and dignity of the Crown, and thereby strengthen those securities that protest the rights and liberties of the people."

Address carried *nem. dis.*

United States Boundary.] Lord *Palmerston* said, that he thought it might be satisfactory to the House to know that her Majesty's Government had sent out a proposition in answer to one which had proceeded from the United States, and which had reached this country in the course of the last year. The proposition thus transmitted, was accompanied by the draft of a convention, which he had no doubt would have the effect of bringing the whole question to a final and satisfactory issue.

Sir *R. Peel* desired to know if the proposition to which the noble Lord referred took for its basis any other proposition which had proceeded from the United States, or was altogether a new proposition which the American government were at liberty to accept or reject, as they thought proper?

Viscount *Palmerston* said, that the proposition sent out by her Majesty's Government, was founded on that received last year from the American government.

Subject dropped.

Cracow.] On reading the Order of the Day for a Committee of Supply,

Sir *S. Canning* said, that in the former part of the present Session he had called the attention of the House to the situation of Cracow, and he presumed it would be recollected that so long as four years ago he had first drawn the attention of the public to the condition of a state which had been established on one of the most solemn compacts of modern times—which had been invested with sovereign power, and which it was now most painful to see occupied by foreign troops, and under subjection to foreign authority. Cracow was a small state, and remote from the shores of England; but it was important on account of its situation, and it was interesting because it formed an original and integral part of the great European system of national policy. The subject which he had undertaken to bring before the House was one which involved considerations deeply affecting the character of this country, her influence with foreign nations, and her most important interests as a commercial and maritime power; and notwithstanding the positive assurances put forth upon the subject, that the occupation was merely temporary, he yet could not regard it, nor could any man contemplate such a state of things, without feelings painfully aggravated by the reflection that nothing had yet been accomplished towards the relief of that state. He trusted the House would agree with him, that on the present occasion it was not necessary to offer any apology for resorting to the old constitutional practice of coupling a redress of grievances with a vote of supply. The inquiry which he wished to see instituted was one which might or might not involve a charge against her Majesty's Government. He should not take upon himself to say whether it did or not, but this he felt desirous of saying, that he brought forward this motion without any reference to party considerations, that he brought it forward solely upon his own individual responsibility, and in doing so he wished to make no hypocritical appeal to the other side for indulgence. He was free to say that not only the construction of that Government, resting as it did on a principle that was well known to this House, but also the manner in which they conducted the business of the country, were points to which he could not consent. On looking to the foreign policy of the Government, he felt as little satisfaction as in regard to the other parts of their policy, but at the same time he must confess there had been some improvement during the last two years. When he looked to our late transactions in Spain, and to some of our differences with Russia, when he viewed the present state of our relations with so many of those powers with whom we used to be on terms of amity, with China, Naples, Buenes Ayres, and Persia, and more especially when we looked to the state of our affairs at Washington and Constantinople, it was impossible not to feel considerable anxiety. He felt, that in now presenting himself to their notice, he was rather to be blamed for not having brought forward the subject at an earlier period of the Session, than for any degree of party eagerness in bringing it forward at this moment. It was not necessary for him in the course of his details to refer at any length to the stipulations of the treaty of Vienna, on which the existence of the city of Cracow and its claims on our interest depended. Those stipulations were generally well known to hon. Members, as they had more than on one occasion been under their immediate notice. It was enough for him to remind the House, that by the several articles of that treaty, the independence, freedom, and strict neutrality of the city of Cracow were secured. The protection of the powers who were immediately concerned in the arrangement of the articles, was also secured to that city. Into the articles, too, there was introduced a special exemption to Cracow from all military occupation whatsoever; the preservation of the constitution was also guaranteed; and, in addition to that, the free navigation of all the rivers through Poland, and the right of transit through that country to other countries more to the east, were likewise secured to the state of Cracow. There was also guaranteed to the city a provision for the instruction of its inhabitants; and the university that existed there in former times was taken under the special care of the treaty, and even its endowment was provided for. The whole of these articles were inserted in the treaty, and every care was taken by those who were parties to it to provide for the complete fulfilment of the various stipulations. It resulted from that treaty that obligations of the most binding and solemn kind devolved on all the powers who had taken part in it; and a general ratification of it succeeded to its arrangement under circumstances of what might be called peculiar solemnity. But he could not give a stronger proof of the importance attached to the ratification of the treaty, than by reading the terms in which it was described in the *History of the Events of the Congress*—a work which justly maintained a high character, and the author of which Mr. Flassan, was no inconsiderable authority in matters of the kind, he having been a distinguished member of the French diplomacy and present at the congress to which he had alluded.

> "All the sovereign states in Europe with the exception of Spain and the Pope sent, in succession, their entire adherence to the general treaty of the 9th June, 1815, conformably to the invitation contained in the 119th Article of the same treaty. Prince Metternich, as the president of the congress, had been charged to invite that ratification; and the parties engaged in it concurred in a formal and solemn manner, either as accessories or as principals to the execution of the treaty. There resulted from that mode of agreement and stipulation a general, complete, and reciprocal guarantee of all the dispositions of the general treaty."

Such were the terms in which the treaty was spoken of by that author, who was able from his political experience, from his communications with the plenipotentiaries, and the situation he then occupied, in the service of one of the parties to the treaty, to express a just opinion on the subject. Nor must he omit to state, that it was expressly stipulated that all the articles as to the state of Cracow should be considered as having equal force with every other part of the treaty. He had now to approach a part of the subject which it was more painful for him to allude to: he meant the violation of that treaty by the occupation of the city of Cracow by foreign troops. He believed the first occupation that took place was under circumstances which, he would allow, did not in strict right warrant the transaction, but which threw a softening shadow over it, and afforded some excuse for the violation of the treaty. It was immediately after the close of the Polish insurrection, and when the tranquillity of the country was entirely established, that the Russian troops suddenly entered Cracow, apparently without any previous concert with the other powers, but under an impulse which might be supposed to be derived from the peculiar circumstances of the moment. What tended to confirm that supposition was, that the occupation lasted only for two months; and, as he understood, the change was brought about by the amicable interference of Austria. The occupation of the city of Cracow some years later had, however, less to excuse it, and appeared to have been of a far more serious nature. It was known to most hon. Members that disturbances had taken place at Cracow, which on one side were represented to be of trifling importance, but on the other side were aggravated by circumstances of a political character. But, in his judgment, they were not sufficient to justify the violent eruption that ensued. Notwithstanding the assurances that were given at that time, the occupation of Cracow has now lasted for more than four years, without, as far as he was informed, any good cause to account for it. It was impossible, then, for him not to be anxious to obtain some explanation of the matter from her Majesty's Government. The occupation of the territory of Cracow was not confined, nor were the painful circumstances connected with it to the mere establishment of military authority, but many features of that occupation were of a civil and political character. The forms of the free constitution were preserved, but the supreme power was placed in the hands of the three residents. But, not contented with the change that took place in 1833, the new authorities, as he had been informed, afterwards introduced various enactments calculated to ruin all the authority of the former functionaries of the place, and to make their own power supreme. The police was placed under the direction of Austria; all the appointments of the different functionaries of the state were placed under the immediate direction of the conqueror himself, and various restrictions were put on the trade and commerce of the place; and it was with particular reference to that state of things that the various petitions which had been presented to the House, and especially the one which, not long since, was presented from the merchants and others of the City of London, by one of the representatives of that city (Mr. Grote). He himself, a few days ago, had presented a petition to the same effect from the important town of Hull, which stated:—

> "The commercial intercourse which had taken place between this country and the republic of Cracow had been productive of the most favourable results. The export chiefly consisted of the British manufactered goods, and of the produce of our colonies. That this trade, which for a period of sixteen years appeared so promising, has been, through the occupation of Cracow by foreign troops, entirely destroyed."

Such also were nearly the terms of the petition which had been presented from London. One of the evils of Cracow at this time had been the retirement from office of a person who was most calculated to engage the confidence of the citizens with respect to commerce. It was impossible for him to enumerate all the circumstances connected with Cracow in its present state; but he had in his possession papers in which they were expressed in more forcible language than any which he was able to employ. He would take the liberty of reading to the House a translation from an address which had been presented to the three protecting Sovereigns, through their representatives at Cracow, as far back as 1838, after the occupation of the city, had existed for some years. The expressions they used were these:—

> "It is, no doubt, come to the knowledge of your Majesties that for some years past, the trade and industry of our country have been ruined, and the sources of its prosperity dried up. In fact, it would be difficult to find a country where this state of impoverishment and general misery is more striking than in ours

This physical distress is rendered still more painful by the consideration, that the individual rights of the subjects of this country, find no security in its existing institutions. The inhabitants of the free city of Cracow see themselves consequently deprived of two conditions essential to public prosperity; namely, of liberty for the exercise of industry in the limits indispensable to its development, and of a sufficient protection for private interests against arbitrary power. * * * It is now two years that shut up, in some sort, as we are, within our narrow frontiers, our communications have been interrupted with the neighbouring states, and especially with the kingdom of Poland, so that the productions of our industry have a difficult and limited vent, while the objects of exportation from the neighbouring states find a free market with us. The university of Cracow, which by the resort of young men from the neighbouring countries, conformably to the treaty of Vienna, might have secured to the country a certain degree of welfare, and the advantage of an important scientific advancement, is now without students, in consequence of the prohibitions to allow the youth of the neighbouring provinces to pursue their studies there. This measure is maintained, although the university has been re-constituted according to the intentions of the protecting sovereigns, and that the competition for the professorships be submitted to the decision of universities, situate within the states of the protecting sovereigns."

In addition to those circumstances, he could mention another, which was very characteristic of the state of the relations in which Cracow stood towards the protecting powers. It was said, that even the professorships in the three faculties were equally divided between the three protecting states, and that the professorship of law was attached to Prussia, and that of medicine to Austria, while the professorship of religion, the people of the country being Roman Catholics, was given to Russia. The petition further said :—

"We do not come this day to claim any kind of new constitutional right ; all our wishes are confined to those which it is allowed to your Majesties' faithful subjects to frame. All our desires tend to no other object but to be able to enjoy with a certain degree of security a calm and tranquil existence in a state of prosperity obtained by assiduous and productive labour. We beseech your Majesties to delegate a new commission equally impartial and conscientious to verify the actual state of things and ascertain our innocence. We beseech you to restore to the senate its former authority, and by replacing it at the head of all the powers of the state to re-establish the unity of the Government which no longer exists."

The reply of the representatives of the three protecting powers, was as follows :—

"The undersigned, &c., having considered the address to their august Sovereigns, of which the senate of the free city has been pleased to communicate a copy to them, and which address was voted by the Chamber of Representatives, found themselves under the necessity of declaring that this document does not appear to them of a nature fitted to be carried to the foot of the Thrones of their Majesties, and they hasten to let his Excellency the President know that the address is to be considered as null (*non avenue*)."

After receiving this answer, the people of Cracow, despairing of being able to obtain any relief at the hands of the protecting powers, found it necessary, as the only alternative, to find access to some of those powers, who, although they did not fill the character of protecting states, were bound to enforce the execution of the treaty. A whole year, however, elapsed before the people of Cracow resorted to this expedient, and that it was not till 1839, towards the close of the year, that a memorial was drawn up and addressed to the Governments of France and England. He would quote a passage which showed its spirit and effect.

"The misfortunes which overwhelm the free city of Cracow and its inhabitants are such that the undersigned see no further hope for themselves and their fellow citizens than in the powerful and enlightened protection of the governments of France and England. The situation in which we find ourselves placed gives us the right to invoke the intervention of every power that subscribed the treaty of Vienna."

He thought that the people of Cracow had a right to claim the intervention of those states which had been parties to the treaty of Vienna, and he must say, that if they should be disappointed in this expectation, and find no power answer to their cry of distress, it would have been better that the establishment of the freedom of Cracow should not have been made part of the treaty of Vienna, or placed under the protection of an English signature, and an English ratification. He must be allowed to say, that until he heard some further explanation from the noble Lord, the Secretary for Foreign Affairs—until the House was told on what grounds the noble Lord reconciled the present condition of the question with the answers given by the noble Lord four years ago to him (Sir S. Canning) and to other hon. Members—and what circumstances justified the public assurance then made by the noble Lord that a consul would be sent to Cracow, and the total neglect and non-execution of his promise since that time, and until the House knew how far the noble Lord had made use of the influence of his office to make representations to the powers, more immediately concerned in favour of Cracow, and to take advantage of the favourable demonstrations which had been made by a neighbouring power on more than one occasion, it would be impossible to resist the impression that our interests connected with Cracow were treated with neglect, and that our only remedy at this late period would be a tardy and perhaps ineffectual remonstrance. The first matter for consideration was, the military occupation of the city, and with regard to this, he did think, that what more immediately concerned the interests of England was, that the protecting powers should be brought to a sense of what was due to their own character, and what was due to the engagements which they contracted by the treaty of Vienna. It was difficult to pronounce with certainty as to the exact state of commerce in Cracow; but it was impossible to look at the map of Europe, and see the situation of Cracow, placed on one of the most important rivers of Europe, without understanding its importance to commerce, and the facilities which it offered to the extension of the trade of this country. The right hon. Gentleman quoted at some length the *Foreign Quarterly Review* to show that Cracow enjoyed a great trade with the different Polish provinces, as Siberia, Hungary, Wallachia, Moldavia, to which it sold the commodities of England; and that Cracow enjoyed great immunities; and that the prosperity of her commerce was becoming more and more important, when the two successive occupations, in 1831 and 1836 came and annihilated it. Having thus, the right hon. Gentleman continued, laid before the House a state of circumstances leadingto the belief that the position of Cracow was favourable to commerce, and that it already furnished a market of no inconsiderable magnitude, considering its distance and the circumstances in which it was placed, and might furnish one of still greater extent if it were evacuated by foreign troops, he thought the House could not be insensible to the advantages which might be derived in a commercial point of view from placing an agent there. It was on that account that he called the attention of the noble Lord to that part of the subject, and expressed a hope that the difficulties might be removed which had hitherto prevented such a course from being taken. It was impossible not to presume, after the promises which the noble Lord had made four years ago, that some objections had been made of a stringent kind to the residence of an agent under any circumstances, either commercial or political. It was true that the city of Cracow was classed, in a diplomatic point of view, as a free city, and there was, perhaps, an impression that it had not that complete enjoyment of political rights as to be able to receive an agent without the consent of the three protecting powers; but at Frankfort, which was also a free city, we had not only a commercial but a diplomatic agent; at Hamburgh, which was like Cracow a free and independent city, we had a consul and a diplomatic representation. An analogy might also be drawn with regard to protecting states. The Ionian Islands were placed under the protection of Great Britain, and the treaty which applied to them might be considered as resting upon the same basis as the treaty of Vienna. Now in the former treaty it was considered requisite to introduce an express stipulation in order to give Her Majesty's Government the right of keeping a garrison in the Ionian Islands. Again, in the treaty regarding the Ionian Islands, there is an express article declaring that foreign powers should have no right to send any representatives but commercial agents. It appeared, therefore, necessary that there should be an express stipulation in order to prevent other powers from sending representatives. From these considerations, notwithstanding the lapse of time since the noble Lord had made his promise to the House, and notwithstanding the presumption that circumstances had hitherto prevented the promise from being performed, he (Sir S. Canning) hoped before the close of the discussion, to receive from the noble Lord a satisfactory explanation of the difficulties which had interposed, and he also hoped to see those difficulties speedily removed in a satisfactory manner. Although all hope had not abandoned him, he could not say he had any confidence that the state of things he had exposed would be treated and remedied as it ought to be by Her Majesty's Government. He appealed to that House, and trusted it would teach the Government that such a subject as this was not to be delivered over either to total neglect or interminable delay. It was here he expected to find some sympathy with the rights and injuries of other nations, with which we were connected by treaties the most solemn, and commercial interests of the greatest magnitude. It was here he expected to find a disposition to represent to the allies of the Crown the obligations they had contracted in common with ourselves, although from the pressure of some peculiar views, they had for a time been tempted to neglect them. No one was more anxious than himself to maintain our pacific relations with every quarter of the globe; but it appeared to him that exactly in proportion as we entertained friendly relations with other Powers, we ought under careful management to have that degree of influence which would prevent occasional aberrations from proceeding to dangerous extremes. [The right hon. Gentleman concluded by quoting passages from Viscount Palmerston's speeches on March 18, 1836, and on April 20, 1836, to shew that the noble Lord took similar views as he took of the importance of Cracow, of the injustice which had been done, and of the necessity of interfering]. It would depend, he said, on what line should be taken by the noble Lord opposite, whether he should make any formal motion now, or leave the matter over till another session.

Mr. *H. Gally Knight* said, after the full and able manner in which this subject has been brought forward by my hon. Friend, it will not be necessary for me to intrude upon the House for any length of time, but having on a former occasion raised my voice, however unavailingly, for Poland, I cannot now behold Cracow, in the very agonies of approaching dissolution, without uttering one word in her behalf, for Cracow is a remnant, the last remnant of the Polish cause, therefore, perhaps, is she odious in the eyes of the oppressor —therefore, perhaps, is she trampled under foot; not a spark must exist lest the fire should be kindled again, but therefore will Cracow be interesting to all whose hearts bled for Poland, and they will renew their exertions to snatch from destruction the little, the all, that remains. This House has heard the history of Cracow's wrongs, and never was there a darker succession of injuries and persecutions, and having heard it, how must we look upon each other? England was a party to the treaty which made Cracow independent, and have we stood by, and let it come to this? Must we not look upon each other as men whose honour is in jeopardy? as men obnoxious to reproach? for having permitted all this desolation to take place—for having permitted that which the good faith of England was pledged to prevent? I know not what answer the noble Lord, the Secretary of State for Foreign Affairs, will make on this occasion, but this I know, that on these subjects, the noble Lord has disappointed us again and again. I remember when the noble Lord was pressed to exert himself in favour of Poland, that he admitted the justice of the cause, the justice of our complaints, but he said, only restrain yourselves at present, there is an ambassador just setting out, of known liberal sentiments, you may be sure he will do all that is right, you will only embarrass his negotiation if you incense the power with whom he has to deal, so, take my advice, be quiet at present, and be assured that a great deal will be effected. We trusted to those assurances. The Liberal ambassador went, whether he ever approached the subject or not was never known, but all we got was the fine words of the noble Lord, and no results. Again, when my right hon. Friend on a former occasion brought forward the subject of Cracow, we were promised that an English consul should be established at Cracow in a very short time. What has been done? and the noble Lord told us, in the early part of this Session, that he did nothing for fear of giving umbrage. Why did the noble Lord promise if he could be so easily discouraged? Has he taken the ground which does credit to a British Minister? Is this the attitude which it becomes England to assume? Is this country sunk so low as to be compelled to acquiesce in the violation of a treaty to which we are parties? Are we sunk so low as to be tongue-tied, in a righteous cause for fear of giving umbrage? There is something curiously inconsistent in the proceedings of the noble Lord when Russia is concerned. It is not long ago that he seemed absolutely desirous of getting up a war with Russia. His language, at that time, was of so menacing a description as to create considerable alarm, and, whilst that remarkable publication, the *Portfolio*, was coming out, the noble Lord did not appear to be so very sensitive on the subject of giving umbrage. If he was so valiant then, what has now made him so circumspect? Again, when Russia was intriguing in Persia, did not the noble Lord remonstrate in good set terms? most properly remonstrate, and did he not obtain the most complete satisfaction? I should have thought he would have been encouraged by that transaction to adopt the same course again, or will he do nothing for Cracow, that he may get a Russian army to descend into Asia Minor, and thus, eventually, give the Dardanelles to Russia, and Egypt to France? But suppose the noble Lord is conducting the Eastern mediation in a more statesmanlike manner, is not the time when we are entering into new engagements with Russia a fit opportunity for asserting the rights of Cracow? A contract implies that each party wants something of the other, and therefore offers the moment when conditions may be made. Why were we not to say, you cannot have our co-operation, unless you will observe the engagements which it is our duty to see fulfilled? The treaty of Vienna is violated. We cannot connive at this infraction of good faith. This matter must be set right before we embark together in a fresh undertaking. If the independence of Cracow is intolerable to Russia, why did she consent to it? She cannot have said one thing and meant another, but the House had heard to what she consented, and the House had heard what has been done. It cannot be denied, that by the treaty of Vienna, to which this country was a party, Cracow was declared to be a free town, received a constitution, and by various specific articles in the treaty, was granted a perfect freedom in trade, from which Cracow for some time derived great benefit, and in the advantages of which this country participated to no inconsiderable degree. The prosperity of Cracow, however, was but short lived. The persecution soon began, followed up by invasions and occupations under different pretexts. But the blow which was struck in 1833 is almost unparalleled for its injustice, and the cruel mockery by which it was accompanied. It was at that time that three of the five powers who were parties to the treaty of Vienna, took upon themselves, without any reference to the two other contending parties, to confer upon Cracow what they called a new constitution, and to declare, that from that time the residents of the three courts should become the government of this free town. I doubt whether the history of the world affords another instance of such an act of aggression, and how it could be that France and England, the two powers who had been parties to the original treaty, yet were not even consulted on this alteration—how it could be that they did not interfere on the occasion of this injury to Cracow, and this insulting disregard of themselves, may well be matter of astonishment. It may easily be imagined how things went on under such a protectorate. At length the complaints of Cracow reached this country, and a motion in its behalf was made in this House—on which occasion the noble Lord, the Secretary of State for Foreign Affairs, declared, "that he could not see any sufficient justification of the course which the three powers had pursued," and he engaged to interfere, but that pledge was never redeemed—and what is now the state of the case? The constitution of Cracow is annulled—the Senate overthrown—the independence of her tribunals destroyed—her commerce is at a stand—and even her ancient university, to which the youth of Poland used to resort, has been plundered of its endowments, and is all but put down. The very police of the place are foreigners—not protectors, but spies—and paid by the three protecting powers—are employed to watch the tormented inhabitants, and invent the conspiracies which they fail to create? Every species of annoyance and humiliation is heaped upon this unhappy people, who at once are deprived of their rights, and see their country falling into ruins around them. Can the imagination of man represent to itself a more revolting picture? Really the words which the poet has inscribed on the gates of the infernal regions might, with too much propriety, be now inscribed on the gates of Cracow—it is indeed "*la citta dolente*," nor hope remains for them who dwell therein. And here was no Polish insurrection—no misconduct of any kind—nothing to excuse the violence of the oppressor, or the lukewarmness of the friend. Is not this a case which is worthy of compassion? Is this an occasion on which it becomes England to stand by with her arms folded? Because Cracow is weak is she to be abandoned? And if generous motives are not to impel us, are we to have no regard for British interests? Are we patiently to acquiesce in the destruction of that trade from which we derived so much advantage, and which the petitions addressed to this House by the bankers and merchants of our towns beseech us to restore? But I trust, that the opinions expressed in this House will encourage the noble Lord to exert himself at last. The Senate of France have already proclaimed their sentiments on this subject, and the new Minister of France is the declared friend of Cracow. If the Senate of England expresses the same opinion with the Senate of France, the united voices of the representatives of two such nations cannot fail to arrest attention, and produce an effect. Now is the time—the victim is nearly exhausted—a little longer and it will be too late. What Cracow desires is, that a conference of the five powers should be convened, and restore the constitution to what it was originally made by the treaty of Vienna, and that for the future a British Consul and a French Consul should reside at Cracow. Nothing, as it appears to me, can be more just and reasonable than these demands. With a view to the accomplishment of this object, I hope that both sides of this House will be of one mind on the present occasion. We are proud of our freedom. We know the value of a Constitution. Let us not appear to be indifferent to the loss of those blessings by others, and above all things let us remember that the good faith of England is at stake.

Viscount *Palmerston* said, the right hon. Gentleman seemed to think there was something in his Parliamentary career, in respect to the present Government, which made it necessary for him, as a matter of fairness and candour, to undeceive the Government, and take from them any false hopes they might entertain of obtaining his support, by assuring them in the commencement of his speech, that he disapproved of all their policy, both domestic and foreign. He could assure the right hon. Gentleman, that no such explanation was necessary to set the Government right with respect to his views and intentions. The Ministers were quite aware that they had incurred the misfortune of the right hon. Gentleman's disapprobation, but they endeavoured to bear it as well as they could; and perhaps it was the fortitude which they had shown under this heavy calamity, that had led the right hon. Gentleman to suppose that they could not be aware of his hostility. The right hon. Gentleman conceived that his disapprobation was justified by the state of our discussions with foreign powers,—with the governments of Naples, Buenos Ayres, Constantinople, Washington, and China, which, he said, displayed a total absence of all wisdom. The Ministers did not certainly pretend to have more wisdom than their neighbours; but they at least had this wisdom, that when they spoke of matters, they took care to inform themselves of the state in which those matters stood. Now, when the right hon. Gentleman talked of Naples, he might have known, for the fact had been stated in the French Chambers, that the discussions between Naples and this country had, through the mediation of France, been drawn to a satisfactory conclusion. The right hon. Gentleman had also alluded to discussions between this country and Buenos Ayres, and Constantinople. He supposed that unfriendly discussions were meant, but what those unfriendly discussions might be, was totally unknown to him. With respect to the discussions with the Government at Washington—and he presumed the discussions connected with the boundary question were meant—he (Lord Palmerston) had already stated to the right hon. Member for Tamworth, that her Majesty's Ministers had recently made a proposition to the government of America, founded on the principle and basis of the propositions made by that government last year; and he therefore indulged the hope that those discussions were in a fair train of settlement. He would now advert to what had fallen from the right hon. Gentleman with respect to Cracow, which in truth was the real question before the House. The right hon. Gentleman began by saying, that he did not bring this question forward with any party feeling; and therefore it would perhaps have been as well if he had avoided topics which seemed to partake of that character. With respect to the question of Cracow, he (Lord Palmerston) was not going to unsay anything which he had said on a former occasion, or to retract any opinion he had advanced, either in extracts quoted by the right hon. Gentleman, or any other, as to the question of right between the three powers and the city of Cracow, or between those powers and the other parties who had signed the treaty of Vienna. He thought that the grounds on which the three powers justified the step they had taken, however valid they might in their own opinion deem them, were not borne out by the fact, and were not sufficient to bring the occupation of Cracow within the treaty of Vienna. Her Majesty's Ministers had informed the three powers that they deemed the occupation of Cracow a violation of the treaty of Vienna, and had protested against it; but it was one thing to express an opinion, and another thing to take hostile steps to compel the three powers to undo an act which they had done, and especially in a case where, from local and geographical circumstances, there were no means of enforcing the opinions of England, supposing that this country were disposed to do so by arms, except by declaring war, because Cracow was evidently a place where no English action could by possibility take place. When he stated that it was the opinion of Ministers that the occupation of Cracow was contrary to the stipulations of the treaty of Vienna, yet it was only fair to bear in mind the peculiar circumstances of Europe very recently before that occupation. There had been the revolution in France, and that movement in Belgium which led to the separation of the latter country from Holland. There had also been that great effort on the part of the Poles to recover what they considered their just rights from the government of Russia. The three powers were greatly alarmed at these demonstrations of popular feeling and opinion in Europe. Each of them had possessions which were formerly part of Poland, and therefore it was not surprising if, at such a moment, their fears or their passions might have in some degree obscured their judgment, and led them to adopt measures which at a calmer period they would perceive to be inconsistent with the obligations they had entered into. These apprehensions being gone by, a hope might reasonably be entertained that the three powers would take a more moderate view of these matters; but as far as the opinion of the English Government went on the question of right, he had already stated in Parliament what that opinion was, he had stated it also in communications with other governments, and by that opinion he abided. On the question of interest, he conceived that the right hon. Gentleman had very much overstated his case. The right hon. Gentleman contended that Cracow was of great importance to this country in a commercial point of view. In a political point of view, he concurred in thinking that where principles were concerned, it mattered not much whether the spot to which they applied were small or large; principles must remain the same, and it was important to maintain them. But with respect to commercial interests, the case was different. It here became a matter of degree and of fact; and it was obvious that Cracow, if its commercial intercourse with this country were merely considered in reference to its own particular consumption, could not be an object of very great importance. The population of the city of Cracow did not amount to much more than 110,000 souls. As a point of connexion with the rest of the continent, it was undoubtedly in times past of some importance; but the question was, whether the events which had lately taken place had diminished our commercial intercourse, not with Cracow itself, but with the rest of Germany. He did not now seek to diminish the interest which the House might be disposed to feel on the political part of the question; but he wished the commercial part to stand upon its real merits. How stood the fact with respect to the exports from this country? The British exports to Germany could not in the nature of things be kept so distinct as to enable any one to tell how much went to each particular inland port; but the total export to Prussia, Germany, and Holland, in the year 1835, amounted in value to 7,439,000*l.*; in 1836 to 7,134,000*l.*, being a diminution; in 1837 to 8,069,000*l.*; and in 1838 to 8,693,000*l.* Therefore, whatever effect the present state of Cracow might have had on the commercial arrangements of this country which depended on Cracow itself, it was clear that with respect to the commerce to Germany, including Holland, there had been no diminution, but, on the contrary, a considerable augmentation, of late years. With respect to the occupation of the city of Cracow, it should be recollected that though that occupation was sanctioned and ordered by the three powers, it was practically executed chiefly by Austria. It was at present, and had been for some time, garrisoned by Austrian troops. The British Government had from time to time urged the three powers, and especially Austria, to withdraw that garrison, which had been placed in Cracow for a temporary purpose, and the governments of those powers, and particularly that of Austria, had repeatedly assured the British Government that the garrison should be withdrawn, and that it was only kept there for a time, waiting for certain events, namely, in the first place, the re-organization of the militia force of Cracow; and in the next, the result of some transactions which were about to take place. Indeed, the government of Austria, whose troops formed the occupying force, had assured the British Government that it had no wish to make a permanent occupation, and was about shortly to withdraw the garrison. Her Majesty's Ministers had very lately repeated the expression of their wish, that that assurance should be carried into effect; and between Austria and the British Government the question remained only a matter of time. He could assure the House, that as far as the object of gaining the release of Cracow from military occupation was concerned, the Government had not lost sight of that object, and had pursued it in the manner they deemed most advisable, by amicable negotiations. If he were now asked to say when that object would be attained, or what were the intentions of Ministers on the subject, he thought that his experience of the manner in which his unfortunate assertion of an intention to appoint a British consul at Cracow had been taken up by hon. Gentlemen opposite, justified him in positively refusing to give any answer to such a question, which might expose him to similar, and, as he conceived, unjustifiable attacks. It was true that he had stated, that it was the intention of the Government to send a consul to Cracow, but not, as the right hon. Gentleman had said, by "this day month." However, when that intention became known, it created a great deal of jealousy on the part of the three Powers, not so much on account of the fact of the Government's intention to appoint a consul at Cracow, as on account of the political character which would be given it by other parties; and in the course of communications with the three Powers, which lasted some time, it was found impossible to remove from their minds that feeling of jealousy and suspicion with which they would view the execution of the intention to appoint a consul. He now stated, as he had done on former occasions, that it then became a question of prudence, as well as a question respecting the character, honour, and dignity of this country, whether the Government should carry their purpose into effect. In the first place, as regarded the people of Cracow, if this sending a British consul there had excited in their minds the expectations of further support and interference, which might have been justified by the language held on the subject of the appointment by those who wished to press it on the Government, he was afraid that that people might have been led to commit themselves some way or other in consequence of these unfounded expectations of impossible support, and thereby have rendered worse that state of things which everybody deplored, and which her Majesty's Ministers would be glad to improve, were it in their power to do so. In the next place, if the three Powers had chosen to do their utmost to prevent a British consul going to Cracow, nothing could have been more easy than by their influence to induce what was called the government of Cracow to reject our consul, and decline to give him his *exequatur*. Was this a fitting situation for a great power like England to place herself in with reference to a small state like Cracow? If Cracow refused to receive the British consul, the Government would be bound to look upon the refusal as the act of the government of Cracow, though in reality it would not be the act of that state. Under these circumstances he thought the House would be of opinion that Ministers had only acted with a due regard to the honour and dignity of this country, in abstaining from carrying their intention of sending a consul to Cracow into effect, when they found this difficulty which they had not anticipated. He quite agreed that the manner in which Cracow had been constituted an independent state, did not prevent it from having diplomatic agents, if it so thought fit; and that there was a distinction between Cracow and the Ionian islands, inasmuch as it had been necessary to put a particular article into the treaty with the Ionian Islands, which were under the protection of Britain, to prohibit them from holding diplomatic intercourse with any foreign powers except England. He, however, did not admit the exact parity of the instance cited by the right hon. Gentleman. The city of Frankfort might not be a more considerable place than Cracow, and nevertheless England had a Minister there. But that Minister, though accredited as a matter of courtesy to the Government of Frankfort, was there, because that city was the seat of the Diet; he was an unpaid officer, and merely transacted business connected with travellers. In Hamburgh there were a consul-general and charge-d'affaires; but they were appointed not merely for Hamburgh, but because that place was the principal of the Hanse Towns, and the port through which a great deal of the commercial intercourse with the Continent proceeded. He could assure the right hon. Gentleman and the House, that he did not fail to take a lively interest in everything which concerned the unhappy population both of Cracow and Poland. It was impossible for any one standing up in the Parliament of this country, not to feel and express a great sympathy with the calamities and afflictions of that unfortunate people. He could also assure the House—and he now spoke, not for the present Ministers, but also for those who might succeed them—that the Government of England would, on every occasion, when by the exercise of their influence, they could mitigate the fate of those whose misfortunes they all lamented, not fail to take advantage of the opportunity. But a greater mistake could not be committed, than to suppose that these things were to be effected, not by persuasion, but by means of force only—by threatening right and left, and by using big words, which they were not prepared to maintain by acts. Without presuming to express any unbecoming opinion of what passed in another country, he certainly should not recommend the House to follow the example of the French Chambers; because he did not think that the Legislature of a great country added to its honour or dignity by annually entering strong resolutions upon its records, without being prepared to follow them up by action.

Sir *R. Peel* said, no person was more impressed than himself with the necessity of proceeding with caution with respect to matters of which the House was but imperfectly informed, and the conduct of which might naturally affect our amicable arrangements with foreign powers. He agreed with the noble Lord, that there was nothing more unwise than for a popular assembly, acting on feeling and passion, to excite the Executive Government to resort to force for the purpose of attaining an object, which perhaps might more easily be accomplished by friendly negotiations; but, at the same time, he felt that the House of Commons would abdicate its functions, and lose its character in the eyes of Europe, if it carried its forbearance to too great an extent, and exhibited a perfect indifference to questions of foreign policy. He bore in mind all those considerations to which the noble Lord had referred, as forming matter of justification of the conduct of the three powers; he bore in mind the portentous events of the year 1830, which led to the overthrow of one dynasty, which led to the separation of Belgium from Holland, to the insurrection of Poland, and to such a state of dangerous excitement throughout Europe, as betokened some peril that the happy settlement of the affairs of Europe which had taken place in 1815 might be disturbed, and Europe involved in the miseries of general war. He recollected all this, and it went far to account for those feelings which appeared to have influenced the three powers in their conduct, and which in particular induced them to forbid Cracow to become a place of residence for refugees from other countries. Speaking then, in the full knowledge, and recollection of these things, but at the same time speaking with all reserve, and knowing the weight of what was openly said in the House of Commons, he must say that, in his opinion, the time was come, or at any rate very fast approaching, that the three powers would feel assured that it was for the general interests of Europe, that it was for the maintenance of those true Conservative principles which he believed it was the great object of those three powers to support, that due observance should be given to the settlement that was made in 1815, and that Cracow should be re-established in that independence and freedom which were guaranteed to it in that year. Those three powers must in his opinion feel the immense importance, when the temporary necessity by which their conduct hitherto had been regulated with regard to the matter should be at an end, of re-establishing all the states, small as well as great (and perhaps the moral obligation was the stronger to re-establish the small than the great states), the independent existence of which had been guaranteed by the treaty of 1815. He said, he was convinced that when this temporary necessity was at an end, they would feel the obligation to be absolute to re-establish Cracow in freedom and independence; they would recollect the favour which had always been felt and shown throughout Europe to small communities, like Frankfort, and Lubeck, and Hamburgh, and Cracow; they would see that the rights of these small states could not safely be disturbed; they would not fail to see this on looking to the discussions which had recently taken place in France with reference to this subject, and looking to the possibility that the very strong feeling on the question which now lay dormant might be at length excited throughout Europe. It was in reliance upon these considerations and upon others involving the rights of individual states, however small, and upon their sufficiency to induce the three great powers who were the supporters of that principle for which he had great respect, and which had been called the Conservative principle, and with whom he cordially desired to continue relations of amity, to arrive at the same conclusion, that he most earnestly hoped that they would see fit to anticipate the feeling of France and England on this subject, and would of themselves, without any interference on the part of any other power, re-establish the independence of Cracow. This would be far the most satisfactory course which they could pursue. He hoped, therefore, that no angry interference with those powers would take place at present, but that they themselves, listening to justice, would of themselves re-establish this town in the freedom which had been guaranteed to it, and permit Europe to enjoy that spectacle which must be most gratifying to every one—namely, of a small state surrounded by powerful military governments, but yet allowed to preserve inviolate its own independence. He agreed with the noble Lord that the political question was of much more importance than the commercial; but he must say, that in this commercial country we could not but view with jealousy, and justifiable jealousy, every infraction of the rights of a free city, which, by a solemn treaty, had been declared to be independent, and to have separate rights of free trade with other countries. But he thought that the noble Lord had quite failed to establish his position, that the trade and commerce of this country had lost nothing in consequence of the occupation of Cracow. He well knew that the commerce of this country with Cracow could not at any time be extremely large; but how did the noble Lord make out his case? By showing that the amount of general exports to Germany had not fallen off. Supposing that our commerce with Germany in general was in a state of progressive increase, or that the trade with Germany and Poland in general was not falling off, did the noble Lord think that our commerce with Cracow had not fallen off, had not been injured, by the peculiar circumstances under which it had been placed? Take the case of any foreign town—Cadiz, for instance, and suppose that our commerce with Cadiz were cut off by hostile occupation, might not our whole commerce with Spain show, notwithstanding, a state of progressive increase, and how would showing the latter prove that the Cadiz trade was not ruined? The question, in fact, was how did the noble Lord show that our commerce with the whole of the north of the continent would not have shown a greater progressive increase if we had retained the trade of Cracow? But if this progressive increase would have been greater, then our right to complain on this score of the interference with Cracow was good. Then the noble Lord said, that on this occasion he should not make any declaration of the intentions of her Majesty's Government with respect to this question. Now, in the propriety of what the noble Lord had stated on this topic, he (Sir R. Peel) quite agreed. Indeed, he had thought that the principle laid down by the noble Lord as directing the conduct of the Government, had been the principle by which all Governments guided their conduct in matters of this nature. Therefore he quite approved of the noble Lord's course, and he thought that the recollection of the noble Lord's declaration of the intention to send a consul to Cracow, and the consequences which had followed that declaration, must tend greatly to fortify the noble Lord in the resolution he had taken, not to communicate more of the intentions of her Majesty's Government on such points. He, therefore, congratulated the noble Lord on the determination he had shown, and he trusted that he would see fit to adhere to it, for he thought that nothing was more inconvenient than that a Government should announce themselves to the House of Commons as about to adopt a certain course unless they had positively made up their minds to adopt that course. The noble Lord had declared four years ago, that it was the intention of Government to send a consul to Cracow, and by means of that declaration the noble Lord had prevailed on an hon. Member of the House of Commons to withdraw a motion of rather a hostile character of which he had given notice; and the noble Lord now told the House that he had reason to make that declaration, and the noble Lord had made a contract between the circumstances in which his declaration and those in which the statement of his (Sir R. Peel's) right hon. Friend had been made that evening, saying that the right hon. Gentleman had spoken without full information on the question, but that the Government did not speak without having full information. Now, he did not mean to question the fact of the information possessed by her Majesty's Government, but he must say, that the niggardliness with which they brought it out, made the contrast between the immensity of their stores, and their small charity to their opponents very great indeed. However, with respect to the noble Lord's declaration of the intention to send a consul, he did not complain that the noble Lord had the courage to recede from his determination if he found it impracticable; but what he did say was, that the noble Lord ought not to have made that declaration without foreseeing what might be the consequences of it; because, in the state in which Poland then was, in the state of the House of Commons, and in the state of things in this country generally, a declaration on the part of Government that they intended to send a consul to Cracow could not but have the most important consequences. There could be no doubt that the people of Cracow, and of Poland generally, when they found that the British Government talked of sending a consul to Cracow, concluded that the Government and people of Great Britain were impressed with the opinion that the claims of Poland were overpowering, and that consequently this step had been resolved upon. He must tell the noble Lord that it was his opinion that this declaration had actually postponed the time when a consul might have been sent thither from this country, for he thought there could be but little doubt that the three powers, when they found that a British Minister in his place in Parliament had declared that a consul should be sent, had determined to resist the measure. He could not but think that if the noble Lord had communicated to the three powers, without making previously any public notification of it, the intention of Great Britain of sending out a consul, the noble Lord would have succeeded in establishing consular relations for the protection of commerce. He concurred with the noble Lord, that if great powers like England or France were to push matters to extreme points by an appeal to arms upon every trivial occasion, there was little probability of general tranquillity being secured; and seeing the language used in the French Chamber, the protest which had been made, and the language held by the Minister of France, it was impossible not to observe that the question was in a most unsatisfactory state. He should conclude by repeating the hope which he had already expressed, that the three Powers would, in this instance, adopt the course which had been suggested, which, while it was perfectly consistent with their own honour and dignity, would tend much to extinguish those seeds, which in their growth might be dangerous to tranquillity.

Mr. *Hume* had always viewed the violation of these treaties as a step of which no man ought to approve, and he was happy to hear them condemned by the right hon. Baronet. He did not believe, that any Member of that House had ever expressed his assent to them, for they must all entertain feelings directly opposed to what had taken place in reference to British commerce. He hoped that the Government would persevere in their efforts to maintain international justice, and that they would ultimately compel the aggressive powers to retire from the occupation of Cracow, and thus put an end to the violation of treaties which now existed.

Mr. *Colquhoun* was glad to see men of all parties joining in one unanimous expression of sympathy in the position of the state of Cracow, and of regret at the violation of treaties. He entirely concurred with the right hon. Baronet, that had more active measures been taken by Government at an earlier period, this usurpation would have been put a stop to, and he doubted whether the course taken by the noble Lord in 1836, in promising the appointment of a consul, and in 1840 refusing one, was likely to redound to the honour of the country, or add to the character of the Government. The noble Lord had declared that the commerce of Cracow had not suffered by these events. But those interested in that trade declared, that the export trade had been entirely destroyed. The present position of Cracow was neither honourable to the Government nor advantageous to our commerce.

Lord *Eliot* must say, that it seemed extraordinary that it required four years to settle the internal affairs of a small state like Cracow. But when the noble Lord told them that the allied powers intended to withdraw their garrisons, he had not also told them that they intended to restore the independence of Cracow, according to the provisions of the treaty. According to the statement of the right hon. Baronet, the representatives of those powers had erected themselves into a permanent conference, and they would not allow the interference of the Senate of Cracow. Yet Cracow was a sovereign state—more a sovereign state than the Hanse Towns or Hamburgh—and her rights having been secured by the treaty of Vienna, we, as parties to that treaty, ought to, at least, protest—as the noble Lord said he had done—although of that protest Parliament was as yet ignorant—against its violation.

Sir *Stratford Canning* inquired whether he was to infer from the silence of the noble Lord that he had received the address and memorial said to have been sent by the inhabitants of Cracow to the Government of this country and that of France?

Viscount *Palmerston* had received the paper to which the right hon. Gentleman referred.

The subject dropped.

Question again put for the House to go into a Committee of Supply.

Dr. Bowring.] Colonel *Sibthorp* rose, pursuant to notice, to call the attention of the House to the sums paid to Dr. Bowring. He begged in the outset to say, that his motion was not directed against that gentleman personally—he had no complaint to make against him—he was a man of great talent, and one who, no doubt, faithfully discharged his duties; but he complained, that the Government should have paid a considerable sum of money to Dr. Bowring during a period of two years, six months and five days (for he liked to be precise) in which he was a Member of that House. It did look something like a desire to influence his vote. From the commencement of 1835 to the dissolution in 1837, Dr. Bowring was a Member of that House, and during that period, he had received from the Government 3,579*l.* 8*s.* for certain services performed by him. In 1831, Dr. Bowring received 500*l.* for a report on the commercial affairs of France; in 1839 he received 463*l.* on the same account. It appeared that a further sum of 386*l.* had still to be paid. Now, the whole amount granted to Dr. Bowring was 14,858*l.* 12*s.* 3*d.*; the amount paid up to the present grant was 11,071*l.* 13*s.* In what shape had the money been voted? 662*l.* was under the head of special services: and there was another sum of 676*l.* under the same head. 2,249*l.* was under the head of civil contingencies. He thought the House ought to know for what service those sums under the head of "special services" had been paid. He complained of the principle of paying a Member of that House for special services. If they refused to allow Judges to sit in that House, why allow any hon. Member to receive pay for one duty while he ought to be attending to another? The hon. Member for Windsor, the present Secretary for the Treasury, when Member for Cricklade, used to declare that it was essential that the vote for civil contingencies should be submitted to a select committee, he hoped that the hon. Member was of that opinion at present, and would support him in the suggestion which he was about make. He should propose a reduction in the amount of the vote equivalent to the salary paid to Dr. Bowring. At the same time, he was anxious for some explanation from the noble Lord the Secretary for Foreign Affairs on this subject, for he, no doubt, would tell them the reason why the report of the learned doctor in Egypt was suppressed, and he also wished to know to what extent the reports of Dr. John Bowring, however they might be drawn up, had been acted on. If ever they were adopted, his objection to the grant of money for getting them up would not be removed; he therefore must demand some explanation from the Government on the subject, He would move, "That the estimate be reduced to the amount of the sum paid, or to be paid, to Dr. Bowring."

Lord *John Russell* observed that the hon. and gallant Member had stated that he had been recommended by some of his friends to bring forward his motion in the committee of supply rather than in its present form. The result of the hon. Gentleman's speech showed how prudent this advice was, and he trusted that the House would not support the hon. Member, but at once consent to go into the committee, as there were some votes which it was most desirable to take without delay. The hon. Member might then, if he thought proper, submit his motion in a regular form.

House in Committee of Supply.

SUPPLY — SUPPLEMENTARY NAVY ESTIMATE.] Mr. *More O'Ferrall* had to propose a supplementary vote for the Navy Estimates, and as he did not anticipate there would be any objection to his proposition, it was unnecessary for him to take up the time of the committee. The amount which he had to propose was 165,023*l.* Of this sum 95,409*l.* was required for the pay, victuals, &c., for 2,000 additional men for ten months, to the 31st of March, 1841, for the service of her Majesty's ships afloat; 48,014*l.* was required for the increase of pay to naval and marine officers, &c., proposed by the naval and military commission for nine months, to 31st March, 1841; and there was also the sum of 21,600*l.* required for the accelerated conveyance of the mails to and from England and Alexandria for seven months, to the 31st March, 1841. It had been suggested by the hon. Baronet the Member for Stamford, when the navy estimates were brought forward, that the number of men proposed was not adequate to the number of ships that were afloat; other representations of a similar nature had been made to the Government, and the result of the consideration that had been given to the subject was the proposal of the present increase. The hon. Gentleman concluded with proposing the first resolution, that the sum of 101,748*l.* be granted to defray the charge of wages for 1,000 additional men for her Majesty's fleet for ten months to the 31st of March, 1841; and also including the increase of pay to naval officers afloat, and to marine officers on shore, for nine months, as proposed by the naval and military commission.

Captain *Pechell* was extremely glad, to find that the recommendations of the naval and military commission had been attended to; he regretted, however, that the situation of mates serving in the royal navy had not met with that attention which their merits entitled them to.

Sir *G. Clerk* did not object to the additional amount proposed to be voted for the naval estimates, as he thought it was called for by the increased number of ships afloat, and by the importance of having them efficiently armed and manned. He could not help observing, however, that the usual form had not been adhered to in submitting this estimate to the House, and he therefore wished to know whether it had previously been submitted to the approval of the Queen in Council. When he was a member of the Board of Admiralty, he knew that it was considered necessary that a member of that body should submit the navy estimates to the House, and that he should be able to enter into any explanations that were requisite.

Lord *John Russell* observed, that it was better that the estimate should be postponed, as there appeared to be some doubt as to the regularity of the proceeding. He had attended her Majesty in Council that day, and the impression on his mind was, that the application had not formerly been completed.

Vote withdrawn.

SUPPLY—BRITISH MUSEUM.] Sir *R. Peel* proposed that 29,953*l.* be granted for the estimate for the British Museum for the year ending on the 31st of March, 1841. There was a very full detail of the mode in which this sum was to be expended in the printed paper on the table, and therefore he did not think it necessary to do more than to move this vote; but he should be glad to give any explanation that any hon. Gentleman might require.

Mr. *Hawes* did not object to the amount of this vote; on the contrary, it was for the maintenance of so important and useful an institution, that he most readily assented to it. At the same time, he could not help feeling that this great national institution might be improved by forming a board according to the recommendation of a committee of the heads of the several departments, by whom it might be considered what improvements might be made therein. He also thought it objectionable to close the King's library, to the public, merely on the ground that too much dust was created by persons walking through it. Again, the public paid, as appeared in the estimates, for the moulds and casts made from the antique marbles in the Museum, and as these were presented to foreign museums, and he saw no reason why casts should not be presented to the schools of design which had been established in various parts of the country. At present these casts could be procured at a cheaper rate from Paris, paying the duty, than they could be obtained in London. He did not see the use of having two sentinels standing at the entrance to the Museum. Mr. Hallam, stated in a note to his Constitutional History of England, that nothing could be more uncongenial to the feelings or more alien to the objects of the institution than to see sentinels stationed at the entrance to the British Museum and to our exhibitions of pictures.

Sir *R. Peel* declared that it was the object of the trustees to give every accommodation to the public consistent with the preservation of the books and the property. As to the holidays, the whole of these which the officers enjoyed were six days in January, six days in May, and six days in September, with Ash-Wednesday, Good-Friday, and days of fast and thanksgiving. It had been suggested, by a committee of that House, that the heads of the subordinate departments should meet quarterly to consider the details in those departments, so as to suggest an improvement in them. It was in the British Museum, as in every other public department, that every one was proud of that portion with which he was connected, and most anxious to set it off to the greatest advantage. He thought, then, that the calling of them together for the purpose of making suggestions, would not be the best way of making an arrangement. The trustees received suggestions separately from the heads of the departments, and then decided upon them; while the determination of subordinate officers, if acted upon, would, he feared, only lead to an increase in the building, and a large addition to the public expense. As to the casts, it was his opinion that they should not make many of them; but then on the other hand, he did not think that they ought to expend the public money in making casts. Last year they had asked the Government for 800*l.* to make models, and they gained 500*l.* As to the sentinels being stationed at the British Museum, he must say that he had not seen Mr. Hallam shudder since he had been appointed a trustee. With respect to the King's library, concerning which a committee of the House of Commons had advised that an accurate catalogue should be made, he must say that it was very difficult to proceed with it without interfering with the time that was allowed to the public. He could assure hon. Members that it was the desire of the trustees to adopt every prudent suggestion that was made to them.

Vote agreed to, as was a vote of 22,000*l.* for the purpose of carrying into effect the recommendation of the commissioners of naval and military inquiry, and votes for the Supplementary Ordnance Estimates.

SUPPLY. DR. BOWRING.] Mr. *R. Gordon* moved the remaining estimates and civil contingencies. The vote proposed was, that 70,000*l.* be granted to complete the sum necessary to defray the charge of the civil contingencies.

Colonel *Sibthorp* moved that the grant be 66,420*l.*, deducting from the amount the sum of 3,579*l* 7*s.* 10*d.*, being the sum granted to Dr. Bowring for the period of two years, six months, and five days, for services stated to have been performed by him. He wished the noble Lord at the head of the Foreign Department to state—first, what was the amount of practical public advantage derived from Dr. Bowring's services?—secondly, whether some of that Gentleman's reports had not been sent forth to the public in a shape somewhat different from that in which they were drawn up by the learned Gentleman himself, both as to omissions and additions; thirdly, why the report on Egypt had not been given to the public; and, fourthly, whether there was to be any future charge of this description.

Viscount *Palmerston* said, that the employment of Dr. Bowring had certainly in no way altered his conduct as a Member of that House; for there had been various occasions during the intervals of his employment in which Dr. Bowring had not voted with the Government. Nor had Dr. Bowring's employment been detrimental to his constituents, for on each occasion the employment had taken place in the recess. The selection of Dr. Bowring, in all other respects, he conceived, could not be questioned. The Government deemed it essential to have information on various commercial and statistical subjects connected with foreign countries, and to collect that information Dr. Bowring was eminently qualified, not merely by his general talents, his peculiarly extensive knowledge of foreign languages, but from his having turned his especial attention to the subjects on which information was desired. As to the results of Dr. Bowring's employment, there could be no doubt as to the great practical benefit which the public had derived from the mass of information contained in that Gentleman's reports. The whole of that information was of the highest value to all persons in any way interested in commerce. As to the publication of the reports themselves, that on Prussia had been sent forth precisely as it was drawn up by Dr. Bowring. With respect to the report on Syria, it had been some time in Dr. Bowring's hands, in order that he might superintend the printing of it. He had looked over that report, and he had struck out one or two trifling passages of a political tendency, unconnected with the commercial matter to which Dr. Bowring's attention was directed, nor had these omissions in any way altered the value of the report in a commercial point of view. This report, he hoped, would soon be printed and laid on the table. He thought he had now said enough to show that Dr. Bowring had performed the duties upon which he had been employed ably and effectively, and that the sums which had been expended upon him, were not more than an adequate remuneration for his services. The reason must be obvious why the diplomatic officers of the Crown already abroad could not be employed to collect the information which Dr. Bowring had been the means of obtaining, inasmuch as it could not be obtained on any one spot, but demanded a great deal of travelling and research throughout the whole country, and the devotion of nearly the whole of the inquirer's time to the subject. Every one would at once see that if any of our consular agents were to be so employed, it would be impossible for him at the same time to attend to the other and more ordinary duties of his office. Besides, which, he would, without meaning any disparagement to British consular agents, observe, that he thought it would be difficult to find amongst them any individual who, from his habit of mind and previous attainments, could have obtained the various information desired in so satisfactory a manner as Dr. Bowring.

Mr. *Goulburn* said, that the noble Lord, with a dexterity which it was impossible not to admire, had contrived to pass by the whole of the gist and merits of the question now before the Committee, and had devoted himself almost exclusively to the discussion of the merits of Dr. Bowring, against which, at the present moment, he (Mr. Goulburn) did not wish to say a word. The point upon which he wished to speak was one entirely of a general and constitutional nature. It appeared that Dr. Bowring had been paid, in the course of nine years, 11,000*l.* for public services; and it would appear from the papers now before the Committee, that, whilst sitting as a Member of that House, that Gentleman had been employed by her Majesty's Government, and receiving pecuniary allowances in return. Now, this fact, as he apprehended, brought the case within the scope of a general principle, which every Member of that House was bound to notice. He alluded to the provisions of the Act of Anne, by which any Member of that House accepting office under the Crown, and receiving a salary, was obliged to vacate his seat. This was admitted on all hands to be a very wise and wholesome enactment, tending materially to guarantee the integrity and independence of Members of that House. The Act of Anne declared, that if any Member of this House accepted office, and received a salary, he should vacate his seat, and he (Mr. Goulburn) maintained, that if any hon. Member did accept of an office under the Crown, and received a salary, without vacating his seat, he violated that Act of Parliament. But if this were true in regard to offices in general, which were before the world, still more was it so with regard to employments of a more secret nature, and paid out of funds of which the public and this House had no knowledge, and over which they could exercise no control. These employments of Dr. Bowring's were treated as special services, under the special direction and control of the Treasury, and paid not by any specified and regular salary, but by allowances varying, and granted from day to day, just as the Treasury pleased to dole them out; and in doing which it was quite competent to the Government to give more or less according as the conduct of the recipient appeared to deserve. If Parliament recognized and sanctioned the proceedings which appeared to have taken place in this case, they would be opening wide the door for corruption, and laying the constitution open to that danger which it had been the intention of Parliament to guard against. But this was not the only feature in the case which called for his reprehension; for from the beginning to the end of these transactions a system of concealment had been adopted. The House would recollect, perhaps, that in the year 1837, when the ordnance estimates were under consideration, he (Mr. Goulburn) had made an observation in reference to one of the reports of Dr. Bowring, and he then said that if Dr. Bowring was receiving payment for his services on that work, the point to which he then referred ought not to be lightly passed over. On that occasion, the then Chancellor of the Exchequer gave him an assurance which he would now read to the committee, namely, that:—

> "With respect to remuneration he could affirm that no sum of money had been received for this report by the hon. Member, nor would any sum be received by him for it."

This was the distinct assurance given him by Mr. Spring Rice, the then Chancellor of the Exchequer, that his (Mr. Goulburn's) suspicions on this subject were entirely groundless. But what happened? In August, 1837, Parliament was dissolved; and shortly afterwards it appeared by these papers that Dr. Bowring was specially remunerated for this very report with the sum of 600*l.* He might be told that this payment was made, not out of the special services fund, but under the civil contingencies of the ensuing year. But here again there was still concealment. The vote was thus entered amongst the civil contingencies: "Paid to Mr. Macgregor and Dr. Bowring (who were known to have performed certain services abroad) 3,826*l.*" Now, who would have suspected that this sum included the 600*l.* paid to Dr. Bowring for this very report, if his hon. Friend had not ascertained this to be the fact, by moving for a most minute specification of the amounts? Upon reviewing all these circumstances, it could not but be considered, notwithstanding the assurance of the then Chancellor of the Exchequer, which he had read to the House, that this sum of money was paid to Dr. Bowring in fulfilment of a pledge previously given to him by her Majesty's Government. The whole case, therefore, appeared to involve so much concealment, and to be so pregnant with danger to the constitution of this House that he thought the House was bound to take marked notice of it; and with this feeling, he should undoubtedly give his cordial support to the motion of his hon. Friend.

The *Chancellor of the Exchequer* said, that two points had been mooted by the right hon. Gentleman, who had just sat down, upon which he thought it necessary to make a few remarks. The first position of the right hon. Gentleman was, that any payments of this description made to Members of this House were contrary to the letter and spirit of the constitution, and the second, that in the present instance such payments had been made in a deceitful manner. With regard to the first of these positions he would ask, had Parliament ever laid down as a principle that in no case the Government might give remuneration to a Member of this House for public services without subjecting him to the vacation of his seat? He (the Chancellor of the Exchequer) thought not, for he certainly had heard of cases of a much stronger nature than that of Dr. Bowring, in which payments to Members of this House had been made and sanctioned by an express vote of Parliament. If he recollected rightly, the right hon. Baronet, the Member for Dundee, sat for several years in this House, whilst receiving the salary of Chairman of the Excise. Mr. Blackburn, also, whose loss they must all deplore, sat in this House whilst receiving salary as a commissioner, inquiring into the corporations of England; he was appointed to this situation before he obtained his seat; he continued it afterwards, and received the payments attached to his appointment during the whole time he sat in Parliament. Mr. Frankland Lewis also sat in this House whilst receiving the salary of a commissioner of education in Ireland. There was another case also which occurred to him, which was not exactly similar, to the present; he referred to that of the hon. Member for the University of Oxford, who sat in this House whilst employed, and paid under the church commission. It might be said that this hon.

Gentleman was not paid by Government, but by the public: but in his opinion, this only made the case stronger, because it was a payment over which this House had no control. With respect to Dr. Bowring, he had been first employed in inquiries into the state of public accounts in 1831, before the present party came into office; and who, finding him employed, and that he acquitted himself satisfactorily, continued to employ him in other matters. When Dr. Bowring came into Parliament, the Government saw that he was a man on whose knowledge, prudence, and sagacity, they could place the utmost reliance, and he would ask would the fact of that Gentleman's having become a Member of Parliament have been a sufficient reason for his not being employed any more, and so his industry and his talents be lost to the public. The Government had not thought so, they had employed him before he became a Member of Parliament, they continued then to employ him, and now that he was no longer a Member of Parliament they employed him. He apprehended that there were two sums of money which Dr. Bowring might have received for services rendered whilst he was a Member of Parliament. The first of them was in the shape of bills drawn between October, 1835, and February, 1836, amounting to 676*l.*; the other was of a larger description: both were paid out of the civil contingencies. There had been no attempt at concealment in this case; all the principal sums had been paid out of the civil contingencies, and had been open to discussion in the House; the very date of each transaction was given, and it was stated that the money paid was for service performed during the time that the learned docter was a Member of the House of Commons. Under these circumstances he thought there was no ground for the motion of the hon. and gallant Officer.

Mr. *D'Israeli* observed that the question now raised by the hon. and gallant Officer appeared to him to possess much constitutional importance. It was always painful to enter into a discussion upon topics of a personal nature; but as the vote in the present instance was made to rest almost entirely upon the merits of the learned doctor, he must be allowed to observe that he could not agree in the estimate which the noble Lord (Palmerston) seemed disposed to place upon the services performed by that learned functionary. One of the principal reports upon which the compensating vote was now asked consisted of seventy-five pages, of which more than one-half consisted of a mere compilation from the labours of several celebrated German statists, whose works no doubt had obtained a place in the libraries of many Members of that House. There was an appendix attached to this report, containing undoubtedly very valuable data, but they were supplied by Mr. Irving, of the Custom-house. But, as he had before stated, the body of the report was copied either from German statists entirely, or supplied by the Vice-consuls of her Majesty, resident in the different countries to which the report referred. This document, so compiled, constituted one of the most valuable of Dr. Bowring's labours. There was, however, another report, which furnished a remarkable instance of the manner in which these public documents were prepared. It consisted of statistics of Tuscany, the pontificial states of Lombardy, comprising in the whole, all supplementary documents included, 140 pages, in quarto. Of these 140 pages, fifty-four related to Tuscany, nearly the whole of which consisted of official statements, furnished by the ministers of the Grand Duke. Obtained from such a source, he did not imagine that our resident minister at Florence would have had much difficulty in procuring the same information. At Trieste, indeed, it appeared from the learned doctor's own admission, that our Vice-consul furnished all the details comprehended in the report, and in so satisfactory a manner, that it was not deemed necessary to make any alteration in them. Then at Leghorn, where even the amount of money lodged in the savings bank was mentioned, he owned he did not see why the British cousul there could not have supplied all the information so carefully paraded in the report. That part of the report which related to Lombardy consisted of fifty-eight pages, more, in fact, than one-third of the whole volume. Speaking of that portion of his labours, Dr. Bowring had the candour to say "the principal part of the following statement has been collected by the assiduous care of Mr. Campbell, our consular agent at Milan," and it appeared that not one jot of the information so afforded by Mr. Campbell had been altered. On turning to the consular returns laid before that House, he (Mr. D'Israeli) found that Mr. Campbell, who supplied more than one-third of this volume, to which so much importance was attached, received for his services as British consul for the whole of the Lombardy states, a salary of 80*l.* a-year, whilst Dr. Bowring was paid for this particular report a sum of 600*l.*, in addition to 2,240*l.* which he drew in bills for travelling expenses during the eleven months, of which a portion was employed in framing this document. Whilst engaged in the service it appeared that the learned Doctor drew bills at the rate of three guineas a day for the expenses of living, and two shillings a mile for posting. The learned doctor extended his travels over Egypt, Syria, and Turkey. Now for an hon. and learned Gentleman to wander over the deserts of Syria with three guineas a day for the expenses of living, and two shillings a mile for posting, was something so ludicrously preposterous that he could hardly imagine any thing more so, till he had heard, that the learned doctor arrived in Egypt in one of her Majesty's ships, being a distance of 2,000 miles, for every mile of which the two shillings was regularly and punctually drawn for the expense of posting. This sending forth of statistical emissaries, not only over the whole face of Europe, but into the less trodden wilds of Asia and Africa, appeared to him to savour of vain and profitless excess. Our diplomatic missions connected with the countries of the Germanic union cost us annually no less a sum than 20,000*l.*, and if Austria and Hanover were added, the cost for our missions in that part of Europe alone would be found to amount to nearly 34,000*l.* a year. He should like to know what our Minister at Hanover, at Wurtemberg, or even in Saxony, could have done better than to attend the meeting of the Germanic League, for being present at which so large a compensation was now to be given to the learned Doctor? He should like to know, too, why all the information rendered by that learned individual with respect to Egypt, Syria, and Turkey, could not have been as well supplied by our consular agents resident in these countries? Observe the inevitable consequence resulting from this employment of statistical emissaries—in every country in which they appeared the result was this, either that the authorities of the country supposed that our diplomatic establishment was considered at home not capable of attending to the business in question, or that the business in question was too insignificant for regularly established agents to attend to—thereby, in the estimation of those countries, either causing our own authorities to be underrated, or else rendering the newly constituted mission of little importance. He should support the motion of the hon. and gallant Member for Lincoln.

Mr. *Labouchere* said, if the subject had been argued merely as a constitutional question, he (Mr. Labouchere) should have been perfectly satisfied to leave the debate on that side of the House with the speeches made by his noble Friend (Lord Palmerston) and by the Chancellor of the Exchequer; but after what had been said of Dr. Bowring, having, in the course of his official duties, had opportunities of witnessing the zeal and ability with which that learned gentleman discharged the various important duties that were imposed upon him, he felt bound, not so much in justice to Dr. Bowring as from a sense of duty incumbent upon himself, not to allow the discussion to terminate without offering a very few observations. The hon. Gentleman had stated that, having carefully considered the various reports furnished by Dr. Bowring, he had been led to form a very low estimate of that gentleman's talent and ability. He could only say, that he had never heard that opinion expressed by anybody else. He firmly believed, that the hon. Gentleman was the only individual by whom, in the course of this or any other debate, such an opinion had been uttered. In the commercial world, at least, the labours of Dr. Bowring were not held in the low estimation in which the hon. Gentleman appeared to hold them. It was generally acknowledged, that the various reports he had furnished contained a greal deal of most valuable information upon topics of great interest and great importance. With respect to the late report in reference to the Germanic union, he (Mr. Labouchere) could only say, that he believed the task, by no means an easy one, had been executed with great zeal, ability, and discretion, and that the result of his labours was to furnish the country with a mass of most valuable information. He could not assent to the doctrine that the employment of special missions for special purposes had the effect of casting any reflection upon the regularly established agents of the Government in foreign countries. It would often be quite impossible to obtain the necessary information upon questions of great importance, unless individuals peculiarly qualified for the duty were selected. The practice of appointing missions of this description was not confined to England. Of late years, there had been an increasing desire on the part of foreign powers to obtain correct information, with the view of promoting commercial objects; and the practice of sending persons peculiarly qualified to conduct inquiries of that nature was yearly prevailing more and more. This was particularly the case as regarded France and Russia, and the United States of America had not been slow to follow the example. He should regret exceedingly, if the House were disinclined to sanction a payment of this kind, because he was satisfied there were no better means of obtaining information than the manner in which Dr. Bowring had been employed. It would be unworthy the House of Commons, if they agreed to the expenses of the different diplomatic bodies, and at the same time grudged the remuneration of the very useful labours of the gentlemen he had named. His only object in rising was to bear testimony to the merits and labours of Dr. Bowring, a question which he thought had been somewhat wantonly introduced by the hon. Member opposite.

Mr. *Hume* said, he was one that had received considerable information from the reports of Dr. Bowring, and with regard to his labours, he thought that he had been most miserably rewarded. He never had the means of acquiring so much information as the reports of Dr. Bowring furnished him with: and the only fault of Dr. Bowring, in the eyes of Gentlemen opposite, was, that he had been diligent and had given a faithful report.

Mr. *Hamilton* had come prepared to support the claim of Dr. Bowring, but from what he had heard he would now give his vote on constitutional grounds. He did not think, that the hon. Member for Kilkenny had, by his advocacy improved the case, and was surprised to hear him treat 3*l.* 3*s.* per day and 2*s.* a mile for travelling expenses as a miserable remuneration.

Sir *R. Peel* said, that in 1837, when Dr. Bowring was in Parliament, his right hon. Friend objected to any payment being made to him because he held a seat in Parliament; and on that occasion the Chancellor of the Exchequer admitted the validity of the objection, and stated that the Ministers of the time had no intention to pay any money to Dr. Bowring. Than the present Comptroller of the Exchequer he could not conceive any person to be more shocked, if called upon to make such a payment; and he hardly thought, that hon. Gentlemen opposite would press the vote in direct contradiction of what he had just stated. He would say nothing as to the reports, or as to the value of Dr. Bowring's labours; but he must say, that he thought his hon. Friend (Mr. D'Israeli) had been rather hardly dealt with; because, forsooth, he questioned the utility of the reports, he was to be told that he was making a personal attack. Hon. Gentlemen opposite, for the few years they had been in office, had become exceedingly sensitive. It would be for their advantage would they but come to the opposition side of the House for a short time. What his hon. Friend had said was, that when Dr. Bowring went to Turkey he only produced such information as our diplomatic agent could, and which in fact he did supply. He would not say, that they were never to send a person on such a mission as that on which Dr. Bowring had been employed, but he thought as a rule it was bad. It had a tendency to depreciate the regular diplomatic agents, who, when they found others employed to do their duty, would soon altogether neglect what properly belonged to them. In time of peace, he did not think it too much to expect them to perform such duties. They paid the consular agents about 230*l.* per annum: yet the hon. Member for Kilkenny vents his indignation because they would only allow 3*l.* 3*s.* a day, with 2*s.* a mile extra, to Dr. Bowring, a friend of the hon. Member, and a gentleman politically allied with him. Had they not heard the hon. Member for Kilkenny declare, that his chief objection to the vote was that it was only for 3*l.* 3*s.* a day and 2*s.* per mile, although this was in addition to a payment of some other sort. If he had been in office, and had employed a Member of Parliament during the recess on some special mission, and contracted to pay him the sum that Dr. Bowring had received, the hon. Member for Kilkenny would have decidedly objected to such a proceeding as unconstitutional; nor would he have said that his chief objection to the vote was its inadequacy. Now, in respect to the Act of Anne, he found that no person a Member of Parliament, was at liberty to accept an office of profit from the Crown during such time as he continued a Member, but that on such an acceptance his election was to be declared void, and a new writ issued for the vacancy. The situation which Dr. Bowring held was one of profit, and he could not see how that gentleman was exempted from the clause of the Act. It appeared to him, that his case fell directly within it. It was clear that it was an office of profit, and that it was held by him during the time he had a seat in Parliament. The precedents to which the hon. Gentleman had referred he did not bear exactly in his mind, but his impression was, that the appointment to the Carnatic mission was made under an Act of Parliament. He doubted whether the appointment was made under the Crown. It was quite clear that a director of the East India Company did not fall within the meaning of the Act. With regard to Mr. Frankland Lewis, if there was not an Act of Parliament which exempted his case from the operation of the Act of Anne, there was, at least, an address to the Crown, praying that commissioners might be appointed to inquire into the state of education, and he was appointed one of those commissioners. There was also this difference in the case of Mr. Lewis—he was specifically paid by a vote of Parliament, and the names of the commissioners were brought before the House of Commons; but the payment was not made to Dr. Bowring in this way—it was made for a special service. He would not call in question the merits of Dr. Bowring, or the intentions of Government—he was speaking of the tendencies of these things. Suppose that a Minister of the Crown found some person that had been previously employed in making certain inquiries for the Government, afterwards a Member of that House, and that he continued to employ him during the recess; that he sent him abroad on some mission, paying his expenses, and remunerating him for his trouble—would it have been a sufficient answer had the Minister said that the gentleman was qualified for the task? Would he not have been told that he had no right to make the appointment, and that if he had done so in one case, he might do so in many others? If the situation of parties in that House had been reversed, would they not have condemned it in him as an Act leading to great abuse? Suppose he had had the misfortune to have denied the fact when questioned, and that the Member so employed remained three or four years in his seat in Parliament, what construction would they have placed on his conduct? He could wish no greater punishment to Gentlemen opposite than to be doomed to hear the speeches which they would have come out with on such an occasion. Would they have supported it as they have done the present appointment of Dr. Bowring?—No.

> "Non ego hoc ferrem calidus inventâ,
> Consule Planco."

He did not think that the hon. Member for Kilkenny would have supported him in such an unconstitutional course. In regard to the precedent he named, then, if they established no limit, any other Government might select whomsoever they pleased for such a service. The precedent was an objectionable and a dangerous one, and he was sorry that the consequences of it might be visited on Dr. Bowring, while the fault rested with the Government. He could not, however, see how he could so well mark his disapprobation of the transaction, but by voting for the motion of his hon. Friend.

Lord *John Russell* would make a very few observations only. The right hon. Baronet had said that, according to the Act of Anne, Dr. Bowring held an office, and ought to have vacated his seat. He believed that an employment of this kind, which was not a regular office, and to which no regular salary was annexed, did not come under the operation of that Act. There were precedents of the kind, and his opinion was that there might be special occasions, in which a person being fitted for the service in which he had been employed, and it being for the public interest that he particularly should be employed rather than any other, the remuneration should be permitted. If indeed it were done in the way which the right hon. Baronet had alluded to, namely, to secure the services of a Member of Parliament, who was not exactly fitted for the task, it would be a most objectionable practice. He admitted, that if it were not done rarely, and for a very good purpose, it might become most objectionable. When, however, the purpose was good, no evil could arise to the public service, but, on the contrary, very considerable advantages might accrue from permitting the remuneration.

Mr. *Villiers* said, the right hon. Baronet had condemned the employment of a person in the capacity of Dr. Bowring as unnecessary, in conjunction with the large diplomatic service that the country had to maintain, and which ought to furnish any information that was required. He was not indisposed to admit the justice of that observation, but what was the remedy? Why, to appoint only efficient persons to those situations, persons who would furnish the requisite information, and what assurance could the right hon. Baronet offer, or had a prospect of offering, that such appointments would be made? Could he, or could any Minister, set at defiance the influence which was brought to bear upon him by those who really constituted the legislative power in the country, and who chiefly sought these situations? Had the right hon. Baronet set that influence at defiance? And could he, should he again be placed in office? Would the right hon. Baronet say, that high diplomatic situations were always given according to the merits of the individuals who sought them, or could he deny that they were bestowed chiefly from political influence in this House or in the other? Such being the case, were the commercial classes of this country to be deprived of information that they desired to obtain, or to have their statements questioned, because our ministers and ambassadors were inefficient, or was the House to act in ignorance, because there were no official documents before it to refer to. These agents for commercial purposes, though evils, were rendered requisite by the necessity of the case, and the result of Dr. Bowring's mission had been the collection of valuable information bearing importantly upon great questions in agitation, and he could not but think that if the conclusions to which the evidence he collected led, had been more favourable or convenient to the views of hon. Members opposite, that he would not have been selected for so prominent an attack. With what had been said of the policy of employing Members of this House for this purpose, he did not disagree, but really he thought that they should judge of the case upon its own merits. The question was, whether Dr. Bowring had been appointed for any corrupt purpose, or for any reason but that of being a fit person, and that it was desirable to obtain his services. Not a word had been said in opposition to this, and nearly all had admitted that his services had been well worthy of their hire. Why then were they to withhold the remuneration that had been awarded him, and which with reference to the manner in which other services were remunerated in this country, could not be considered excessive, It seemed, then, that the objection was either personal to Dr. Bowring, or had reference to the purpose of his mission and was not made from any love of economy. He should vote for this item, because he considered that Dr. Bowring had been appointed with the knowledge of the House, with no corrupt view, and his services merited the compensation awarded him.

The Committee divided on the amendment: Ayes 66; Noes 98: Majority 32.

List of the AYES.

Arbuthnott, hon. H.
Attwood, W.
Bailey, J.
Bailey, J. jun.
Blackburne, I.
Blackstone, W. S.
Blair, J.
Bolling, W.
Brooke, Sir A. B.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Canning, rt. hn. Sir S.
Clerk, Sir G.
Cochrane, Sir T. J.
Colquhoun, J. C.
Dalrymple, Sir A.
Darby, G.
Douglas, Sir C. E.
East, J. B.
Egerton, W. T.
Eliot, Lord
Estcourt, T.
Fremantle, Sir T.
Gordon, hon. Capt.
Gore, O. J. R.
Gore, O. W.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Grimsditch, T.
Hamilton, C. J. B.
Hamilton, Lord C.
Hayes, Sir E.
Henniker, Lord
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
Irton, S.
Jackson, Sergeant
Jones, Captain
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Lincoln, Earl of
Lowther, hon. Col.
Lygon, hon. General
Mackenzie, T.
Packe, C. W.
Parker, M.
Parker, R. T.
Peel, rt. hon. Sir R.
Perceval, Colonel
Pringle, A.
Reid, Sir J. R.
Rolleston, L.
Round, J.
Rushout, G.
Sandon, Viscount
Sheppard, T.
Somerset, Lord G.
Thompson, Mr. Ald.
Tyrell, Sir J. T.
Vivian, J. E.
Wyndham, W.

TELLERS.
D'Israeli, B.
Sibthorp, Colonel

List of the Noes.

Adam, Admiral
Ainsworth, P.
Alston, R.
Baines, E.
Baring, rt. hn. F. T.
Basset, J.
Bellew, R. M
Berkeley, hon. C.
Bewes, T.
Blackett, C.
Blake, W. J.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Buller, E.
Clay, W.
Clements, Viscount
Clive, E. B.
Craig, W. G.
Duke, Sir J.
Elliot, hon. J. E.
Euston, Earl of
Ewart, W.
Fitzpatrick, J. W.
Grey, rt. hn. Sir C.
Grey, rt hn. Sir G.
Hawes, B.
Hector, C. J.
Hindley, C.
Hobhourse, rt.hn.Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hume, J.
Hutt, W.
James, W.
Labouchere, rt. hn. H.
Lemon, Sir C.
Lushington, C.
Macaulay, rt. hn. T.B.
M'Taggart, J.
Marshall, W.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, C.
O'Connell, M. J.
O'Ferrall, R. M.
Palmerston, Viscount
Parker, J.
Pechell, Captain
Philips, M.
Pigot, D. R.
Power, J.
Protheroe, E.
Rawdon, Colonel
Redington, T. N.
Rice, E. R.
Roche, W.
Rundle, J.
Russell, Lord J.
Rutherford, rt. hn. A.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hn. R. L.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. W. O.
Steuart, R.
Stuart, Lord J.
Stock, Dr.
Strutt, E.
Talbot, C. R. M.
Tancred, H. W.
Thorneley, T.
Troubridge, Sir E. T.
Tuffnell, H.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Winnington, H. J.
Wood, B.
Wyse, T.
Yates, J. A.

TELLERS.
Stanley, hon. E. J.
Gordon, R.

Original question, to grant 70,000*l.* for civil contingencies, was agreed to.

The House resumed.

Prisons (Ireland).] House in Committee on the Prisons (Ireland) Bill.

On the fourth clause, and on amendment being proposed,

Colonel *Perceval* objected to the committee proceeding any further with the bill to-night, and to the practice of Government introducing a variety of new bills at the close of the Session, when all the Irish members of the legal profession were necessarily absent, attending the assizes. He moved that the Chairman report progress.

Viscount *Morpeth* said, these bills were for advancing the general interests of the country, if, therefore, the hon. and gallant Member persisted in his opposition, he should certainly divide the House upon it.

Colonel *Perceval* thought that these bills were introduced for party purposes; and he should therefore persist in his motion.

The Committee divided; Ayes 18; Noes 29: Majority 11.

List of the Ayes.

Buller, Sir J. Y.
Dalrymple Sir A.
D'Israeli, B.
Douglas, Sir C. E.
Eliot, Lord
Ferguson, Sir R. A.
Grimsditch, T.
Hayes, Sir E.
Henniker, Lord
Hughes, W. B.
Irton, S.
Knight, H. G.
Lincoln, Earl of
Packe, C. W.
Parker, R. T.
Pringle, A.
Rolleston, L.
Sandon, Viscount
Sibthorp, Colonel

TELLERS.
Perceval Colonel
Holmes, W.

List of the Noes.

Adam, Admiral
Baring, rt. hn. F. T.
Brotherton, J.
Buller, E.
Darby, G.
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hodgson, R.
Hope, G. W.
Maule, hon. F.
Morpeth, Viscount
O'Connell, M. J.
Palmerston, Viscount
Pechell, Captain
Pigot, D. R.
Redington, T. N.
Russell, Lord J.
Scrope, G. P.
Somerville, Sir W. M.
Stanley, hon. E. J.
Steuart, R.
Troubridge, Sir E. T.
Tuffnell, H.
Vigors, N. A.
Warburton, H.
Wood, B.

TELLERS.
Gordon, R.
Parker, J.

Bill passed through the Committee.

HOUSE OF LORDS,

Tuesday, July 14, 1840.

Minutes.] Bills. Read a third time:—Masters in Chancery.

Petitions presented. By Lord Lyndhurst, upon the subject of the Sulphur Monopoly; for an Alteration of the Law relating to Marriages within the Prohibited Degrees, and against the Rating of Stock in Trade; and from William Roberts, for Inquiry into his Antiseptic Invention.—By Lord Stanley (of Aldersley), from places in Cheshire, against the Weaver Churches Bill.—By Lord Brougham, from various places, against the Weaver Churches Bill.

Weaver Churches.] Lord *Stanley*

(of Alderley), having presented three petitions against the Weaver Churches Bill, observed, that on a former evening a noble and learned Lord had said, "that he would never consent to any proposition for taking money from any person or persons, which was vested in them by Act of Parliament." Now, the operation of this bill would be to appropriate money for the building of churches, in defiance of an Act of Parliament. The petitioners declared it to be their conviction, that if the bill were passed, no property in land, however ratified by Acts of Parliament, would be safe.

The Bishop of *London* had some reason to complain that the noble Lord had not made his statement when the bill stood for a second reading. It was said, that the object of this bill was to permit one hundred persons to violate a trust reposed in them by repeated Acts of Parliament. Now the fact, stripped of all colouring, was, that those parties thought it right to provide the means of public worship for a very large number of people employed on the Weaver Navigation. For that purpose, it was proposed to take a very small, a very insignificant portion of funds, amounting to 15,000*l.* per annum. It was proposed, with the sum thus raised, to build three churches within two hundred yards of the banks of the canal, for the convenience of the labourers. It was said, in petitions, that 30,000*l.* were to be taken for this purpose. But it was easy to get up petitions; and, when parties spoke of 30,000*l.*, they might just as well have said 40,000*l.*, 50,000*l.*, or 100,000*l.* He believed that about 3,000 persons had petitioned against the measure, which was not a striking proof of its unpopularity.

Lord *Stanley* (of Alderley) said, the petitioners against this bill were far more numerous than the right rev. Prelate supposed. In the House of Commons, three petitions had been presented, signed by 10,000 persons.

Petitions laid on the table.

Royal Message.—The Regency.] Viscount *Melbourne* moved the Order of the Day for the consideration of the Message from the Throne, and the message having been read, the noble Viscount said, "My Lords, in reference to the important subject which was brought under your consideration by the Queen's most gracious message, which I had the honour to bring down to your Lordships' House yesterday, and which has just been read from the Table, my noble Friend upon the Woolsack will give notice of his intention to bring forward without delay a measure for the purpose of securing that object which is recommended in her Majesty's most gracious message. It, therefore, only remains for me, my Lords, upon the present occasion, to do that which, I apprehend, can meet with no objection on the part of your Lordships' House, and which it is unnecessary for me to enforce by any argument—namely, to move that an humble Address be now presented to her Majesty, to return to her Majesty the thanks of this House for her Majesty's most gracious message, and to assure her Majesty of our readiness to take that measure and those circumstances which her Majesty has been pleased to recommend into our immediate and serious consideration."

Address agreed to *nem. con.*

Copyholds.] Lord *Brougham* would take that opportunity, of stating the course he intended to pursue with regard to the Copyholds Enfranchisement Bill which had been referred to a select committee. It had sat for some time, and a period of the Session had now arrived which made him feel that he could hardly hope to get the bill passed this Session. If he were to proceed with the bill, it could not be sent down to the other House of Parliament before the end of this month, and that was a sufficient reason for his withdrawing it. He would add, that this circumstance presented the only reason for withdrawing it, because, with the exception of the compulsory clauses, he was confident that he should have obtained the assent of the select committee.

Lord *Lyndhurst* said, that in his opinion, his noble Friend was perfectly right in withdrawing the measure, upon a pledge that he would bring it forward early in the next Session of Parliament.

Bill withdrawn.

Disabilities of the Jews.] Lord *Lyndhurst* begged to present a petition from Mr. David Salomons, a gentleman of the Jewish persuasion, who stated, that he had filled many offices of trust and dignity, and had served the office of sheriff of London and Middlesex. The petitioner stated that he was elected in 1835 an alderman of the city of London, but in consequence of his refusal to subscribe the declaration required by the act 9 George 4th, his election was declared void, and another gentleman was elected in his stead. The petitioner then applied to the Court of Queen's Bench for redress, and that court decided that he ought to have been sworn in, but the decision of the Queen's Bench was reversed on appeal by the judges of the Court of Exchequer Chamber. The petitioner now prayed their Lordships that he might be permitted to make the declaration required by the act 1 Victoria, c. 5 instead of subscribing the declaration rendered necessary by the act 9 George 4th. If he (Lord Lyndhurst) received any concurrence from their Lordships, he would bring in a bill to carry into effect the object of this petition, with a view of getting rid of the anomalies which existed in the present state of the law. A gentleman of the Jewish persuasion might be sheriff of a county because he was not obliged to take the oaths of office until six months after he had entered upon the duties of his office, and then he was protected by the Indemnity Act. It was formerly doubted, indeed, whether he might be the sheriff of the county of a city or the county of a town, but the Legislature interposed four or five years ago, and settled the question by providing for his eligibility. It therefore appeared to him, that there was no reason why a gentleman of the Jewish persuasion should not be a member of a town council, either as councillor or alderman. In fact, the law was evaded on this subject, for if there was a flexible town council, all they did was this—not to call upon him to subscribe the declaration previous to his election, and if so, he came into the appointment with his acts made valid by the Municipal Act itself, and was himself protected from all consequences by the operation of the Indemnity Act. Persons, therefore, who had conscientious scruples on the subject, were not in so favourable a situation as those whose consciences were less tender. What was the practical effect? A Jewish gentleman was one of the town-councillors or aldermen in the corporation of Southampton, and this was also the case in Birmingham. He repeated, therefore, that if he should receive the concurrence of their Lordships, he would bring in a bill to carry into effect the object of the petition.

Lord *Brougham* observed, that the best way for his noble Friend was to try and bring in his bill. He could assure him of his own support to the measure.

Lord *Holland* would also give his support to the bill.

Petition laid on the table.

HOUSE OF COMMONS,

Tuesday, July 14, 1840.

MINUTES.] Petitions presented. By Sir E. Knatchbull, from Silk Weavers of Kent, against the Reduction of the Duty upon Foreign Silk.—By the Earl of Darlington, from the Guardians of the Ludlow Poor-law Union, for a Reduction of the number of Assistant Poor-law Commissioners.—By Mr. Mackinnon, from Glasgow, for the Encouragement of Emigration to our West India Colonies. —By Mr. Hindley, from Ashton-under-Lyne, for a Mitigation of the Punishment of Mr. F. O'Connor; and from Staley-bridge, in favour of the Inland Warehousing Bill.

OPENING OF PUBLIC EXHIBITIONS ON THE SABBATH.] Mr. *Hume* rose pursuant to notice, to move that an humble address be presented to her Majesty, that she will be pleased to recommend to the trustees of the British Museum, and to the trustees of the National Gallery, that those places be opened for the admission of the public on Sundays, after divine service, at such hours as the houses of licensed victuallers, of sellers of beer, and of keepers of gin shops are now legally open to the public. The object of his motion was to improve the moral and religious character of the people. He begged hon. Members to look for a moment at the way in which the Sunday was now spent by the humble classes. The higher classes had Zoological Gardens, and other places of pleasant and instructive recreation to resort to; but the humble working man, after a week of hard toil, after labouring from Monday morning till Saturday night, to a degree unequalled in any other part of the world, had few other places to resort to on the Sunday except the public-house. One of the first objects of a wise Legislature ought to be to provide places of innocent, healthful, and instructive recreation for the mass of the community, for those who, during the greater part by far of their lives were condemned to earn their bread by the sweat of their brows. They ought to be provided not only with the means of taking healthful exercise of the body, but they ought also to be provided with the means of obtaining wholesome mental instruction. At present, any person who took the trouble of walking through the suburbs of the metropolis would find a public-house at the corner of every street crowded with the humbler classes, who spent thus, in the unwholesome atmosphere of the gin-shop, not only their property but their health. Surely, if there were any mode of remedying these evils, in even a slight degree, the remedy ought to be adopted. At present, according to the 2 and 3 of Victoria, c. 47, s 42, houses for the sale of fermented liquors were not to be opened before one o'clock on Sundays, and all he asked for by his motion was, that the British Museum and the National Gallery, places so well calculated to afford amusement and instruction, should be opened to the public, at the time the public-houses were allowed to be opened. Why, he would ask, did it happen that in England less attention was paid to the wants of the working classes than in any other country in the world? There was scarcely a large town on the continent in which places of amusement and instruction were not opened gratuitously to the public during a portion of the Sunday. Surely it was time that such an example should be followed in this country. From the want of places of rational instruction and amusement the people, as he said before, were now driven to the public-house; and the result, as proved by the returns made by the metropolitan police, was, that during the first five months of the year 1838, not less than 2,380 persons were arrested, between the hours of twelve o'clock on Saturday night and twelve o'clock on Sunday night, for drunkenness, In 1839, for the same period, the numbers were 2,220; and in 1840, the numbers were 1,320. But looking at the return for the whole of those years, he found that the aggregate number of drunken persons arrested on Sunday was greater than on any other day in the week. He thought that the opening of places of innocent amusement on the Sunday would keep people out of the public-house, and he had, therefore, a perfect conviction that his motion, if agreed to, would be productive of benefit to the morals of the people—would tend to improve their religious habits, and would tend to make them in every way better men. He had received a letter from a working man, in which, after expressing a hope that the House would agree to his motion, he suggested that the opening of St. Paul's cathedral, of Westminster-abbey, and of the Tower on Sundays would be most conducive to the health and entertainment of the working classes. He would inform the House of what had been the result of the partial opening of those places of instruction and amusement that had already taken place, which would show that in proportion as they opened the door of such places to the public, the public had taken advantage of the opportunity afforded to them. The visitors to the British Museum since the alterations in the hours of keeping that place open, had increased from 300,000 to 600,000. The visitors to the National Gallery had increased to 387,000. The visitors to the Tower had increased from 12,000 to 42,000, and when the entrance fee was reduced to sixpence, the number had increased to 70,000. The visitors to Hampton Court, since it had been open to the public on Sundays, had increased tenfold. Let them open the other public places he had enumerated on the Sundays, after the hours of divine service, and he would undertake to say that the public-houses would be in a great degree empty, and the comforts and happiness of the people would be greatly increased. The hon. Member then referred to various returns he had obtained from different towns in the United Kingdom, for the purpose of showing the great increase that had taken place in the number of visitors to the different public exhibitions. He called upon the House to give a fair trial to the proposition which he had made, to open the British Museum and the National Gallery to the public on Sundays. By doing so they would bring back the population from dissoluteness and vice, and give the people an opportunity of improving themselves by the study of the liberal arts. He did not wish to interfere with the duties belonging to the Sunday, but he thought if they allowed the people to enter public houses on that day, they might also allow them to enter those institutions where the public treasures and the pictures had been brought together at the public expense. The country had contributed largely to these exhibitions, and he thought that the working classes ought to have their share in a pleasure which was highly prized by the upper classes. After the testimonies he had read in favour of his motion, he had no doubt but that he would receive the support of the House.

Mr. *Hamilton* seconded the motion. He

thought that the motion of the hon. Member for Kilkenny was the commencement of the best Sabbath-day bill that had been brought before the House. Sunday was the only day which the working classes had for the improvement of their minds, and, instead of closing the Museum and the National Gallery on that day, they ought to open these places, so as to seduce the working classes from the beer-shops.

Sir *R. Inglis* said, he had hoped that her Majesty's Government, as the representatives for the time being of the interests of religion in that House, would have thought it necessary to say a few words upon an occasion like the present. Although nothing could be further from the concerns of party than the motion of the hon. Member for Kilkenny, yet he did think that the occasion was one in which the Government ought to have felt it to be their duty to interfere for the purpose of preventing the success of any such proposition. There was no part of the speech of the hon. Member opposite which more surprised him than the delusion by which he appeared to be carried away, when he said, that his proposition was calculated to improve morality and promote religion, that its tendency would be to elevate the religious character of the people. One tendency of it undoubtedly would be to violate what the hon. Member might call the unfounded prejudices, but what he should call the conscientious convictions, of the people of England. The hon. mover said, he did not wish to do anything calculated to desecrate the Sabbath; but let the House recollect, that the hon. Member assumed that the Sabbath might be subdivided, and that one portion of it might be given to profane purposes, if another were devoted to religion. Where in the divine law did anything of that sort appear? What authority was there for assuming, that a day in seven was set apart in order that one moiety of it should be given to public amusements and the other to religious exercises? The hon. Member for the present confined himself to the British Museum and the National Gallery; but would he, or those who thought with him, stop there? Would they not demand admission for the public to the Tower, and to all other places which were supposed to be national property? He therefore regarded this as the first step towards opening all sorts of public exhibitions, and the effect of such a measure would be to render it compulsory upon all the officers of those institutions to labour upon that day which we were bound religiously to observe as a day of rest. Bakers worked on Sundays, but it was for the purpose of preventing the necessity of labour on the part of a great many other persons far exceeding them in number; but what justification could be set up for compelling the officers of public institutions to labour on Sunday? The great question at issue was, whether that House would by an address solemnly call upon her Majesty to sanction for the first time—yes for the first time—by the authority of the Crown what he would call a systematic desecration of the Sabbath. The hon. Member had said, that the English alone were held up to the opprobrium of the whole world for narrow-mindedness and bigotry. What the hon. Member meant by that sentence, he (Sir R. Inglis) did not clearly understand. If he intended to say, that there was no other State wherein the Sabbath was observed as well as in England, in the State nearest to us, in Holland, the Sabbath was observed as well as it was in this country. He denied, that it was a question at all to be settled upon the principles of the Rule of Three. The returns of the British Museum showed that the opening the doors for a greater number of hours did not necessarily secure the attendance of a greater number of visitors, for it appeared, that comparatively small numbers were admitted in the new hours. In fact the indulgence had not been sought by the great body of the people. The question was, not whether more persons would visit those establishments if thrown open upon the Sundays, but whether a system should be commenced, for the first time, by which the Lord's Day should be treated as a common one—by which, as far as the amusements of the people are concerned, there should be no difference between the Sunday and the Monday. The proposition, even as it stood at present, violated the sanctity of the Sabbath, and although the motion of the hon. Member was confined to opening the public establishments after divine service, next year they would be thrown open altogether. He trusted, that the better sense and better principle of the House would lead them to join with him in meeting the motion with a direct negative.

Mr. *Warburton* said, that such an observance of the Sunday as the arguments of the hon. Member for Oxford would tend to, had never been practised in this country. Very few persons scrupled to visit the private galleries of their friends on a Sunday; and if there were any who denied themselves this pleasure, they formed a very inconsiderable number. The poorer classes had no opportunities of that sort; and it was scarcely fair to permit such enjoyments to the rich, and to deny them to the poor. Now, with regard to the observance of the Sabbath by other parties than the working classes, he would merely observe, that it was only the other day that at a meeting of the shareholders of the Zoological Gardens, a motion to close those gardens on a Sunday, was negatived by a large majority. It was well known to all, that during the reign of George 3rd, one of the most religious Monarchs that ever sat on the Throne, the terrace at Windsor Castle was the resort for many hundreds of visitors on a Sunday. There, on that day, the King, surrounded by members of his family, usually paraded, while a military band of music played every Sunday. Now, whether would such a parade or a visit to the British Musuem, in which so many wonders of nature were exhibited, be most likely to raise a religious feeling in the spectator? He said, that the parade was less likely to do this; and, therefore, he thought, that the admittance of the public to the institutions alluded to would be more desirable than attendance at the parade. The right hon. Baronet said, that if they opened the National Gallery and the British Museum, the servants of these institutions would lose a portion of their Sundays. But what did the hon. Member say to the hundreds of thousands of people who were out in London on a Sunday, and to the necessity of their having a larger police force on that day? According to the right hon. Baronet, they ought in consequence to lock up all the people on Sunday. He (Mr. Warburton) thought, that if they opened these institutions to the public between the hours of divine service, it would tend to check vice, and be much more likely to raise a religious feeling in the people when they did visit the church. He would, therefore, support the motion of his hon. Friend, the Member for Kilkenny, as he agreed with the hon. Member opposite, that it was the best bill for the better observance of the Sunday which had yet been introduced.

Mr. *Goulburn* said, far from the resolution proposed being the best mode of securing the proper observance of the Sabbath, it would tend to desecrate a day which every religious man would like to see kept sacred. It was the commencement of a recognition on the part of the House of Commons, that places of amusement were to be opened on the Sabbath-day, and if they consented to it in the present instance, they might ultimately come to see every place of amusement opened on that day to the public. The hon. Member for Bridport said, that those who were opposed to the motion were not consistent in their opposition. He said, that the rich drove in their carriages on Sunday, and that, therefore, they were bound to consent to the desecration of that day to the utmost possible degree. What was the practice some fifteen or twenty years ago? The same facilities were not afforded them to the public as they enjoyed now in going either to the British Museum or to the National Gallery, even in the week-days. In 1825, the number of persons who visited the British Museum was 79,000; in 1832 the number was 99,000; and in 1839, the number was 383,000. Now, according to the argument of the hon. Member for Bridport, in proportion as the number of visitors to the British Museum increased, the quantity of spirit consumed ought to diminish. But how stood the fact? In 1825, when the number of visitors was 79,000, the quantity of spirits consumed was 17½ millions of gallons; and in 1839, when the number of visitors was 383,000, the consumption of spirits was 29 millions of gallons, The argument of the hon. Gentleman, therefore, was good for nothing, as showing the effect of opening these places of amusement in diminishing habits of drunkenness. On the contrary these statistical facts proved that in proportion as facilities had been afforded, even on lawful days, to the public to visit these places, drunkenness had increased. The argument, therefore, would be, that so far from diminishing drunkenness by opening the British Museum on an unlawful day—the Sabbath—it would contribute to the increase of that vice. The principle upon which the Legislature allowed public-houses to be opened during certain hours of the Sabbath was obviously very distinct from any that could possibly be made apply to places of amusement. The principle, and the only principle upon which the Legislature sanctioned the opening of public-houses on a Sunday was, that it was necessary that the people should have the opportunity of obtaining those articles that were essential to support life. If this sanction was abused, it was only owing to the imperfection of human legislation. But amusement of a certain description was not essentially necessary to life; and the Legislature had no right to hold out to the public that amusements of this kind were a part of the lawful business of the Sabbath. The recognition of such a principle would be fatal, both to the character of the country, and to the happiness of its people. He, therefore, should oppose the motion of the hon. Member, as the first step towards a most pernicious system of legislation.

Lord *John Russell* found it very difficult to argue this question upon the comparative harm or innocence of particular kinds of amusement or places of recreation. The hon. Member for Bridport had gone on to state that so and so was allowed—that no objection was made against persons walking in the Park, or going to the Zoological Gardens, or to their visiting private galleries of pictures on the Sabbath. He did not contest in any way the views of the hon. Gentleman with regard to these examples. But precisely the same argument might be urged in any future year, should the present motion be acceded to, by quoting the very instance now contended for. It might be said, " Why, you allow the British Museum and the National Gallery to be opened on the Sunday, surely there can be no harm in having some place opened where the rational drama may be enacted." Yes, it might be said, the people were admitted to the British Museum, and the other places of amusement, and, therefore, the same line of argument that was now used by his hon. Friend in favour of this motion, would be used, after the motion was carried, in favour of almost anything else on the Sabbath, which they did not consider was in itself vicious on a week-day. By acceding to the present motion they would be obliged, also, in consistency, to admit of other amusements on the Sabbath, until, in fact, there would at last be no difference between the observance of that day, and any other day in the week. At the same time he did not defend the consistency of the present practice in every particular amusement that was now permitted on the Sunday. But what he said was this, that when the House of Commons was called upon to adopt a motion, and their concurrence was asked to a principle grounded upon the amusements that were already permitted on the Sunday, it would lay the foundation for similar motions hereafter. He, therefore, contended that it was not advisable to admit of a practice which, though it was in itself not objectionable, inevitably had an objectionable tendency; because it was obvious that the tendency of the present motion was to say, that Sunday was a day on which all exhibitions might be opened. He did not mean to say that either legislation, or the manners of the country, with reference to the observance of the Sabbath, or the regulations of public amusements were at present perfect, but he certainly was opposed to giving the sanction of a vote of the House of Commons, or the additional sanction of the Crown, to that which he deemed objectionable in point of tendency. The hon. Gentleman's motive in proposing this resolution no doubt was exceedingly good; and a great deal of what he said every body must agree with, particularly as to the advantages to be derived from creating a taste among the people, and developing their intellects by giving them more laudable pursuits; and that as their understandings were enlarged, and their knowledge increased, vicious and low tastes would be eradicated. But when the hon. Gentleman said, that for that purpose it was necessary that the Sunday should be chosen, and that that should be the day for these improvements of the general taste of the people to be made, he thought the hon. Gentleman would cease to make it an object of general and universal concurrence, but would separate the public into two parties. The one party would say, " We think it very desirable to pursue this object," while the other would say, " We admit the object to be highly commendable, but we are afraid that, in proposing to attain that object by the mode you suggest, you will be guilty of a desecration of the Sabbath." He (Lord J. Russell), therefore, thought it better not to argue a question of this kind in Parliament, but to allow that progress to be made in ameliorating the position of the humbler classes, and improving their tastes, which was now gradually going on with the general assent of the country. The motion of the hon. Gentleman was rather curiously worded. He started the British Museum and the National Gallery against the licensed victuallers. Now, supposing the House should have no objection with regard to the principle and tendency of the motion, he was not quite sure, in point of fact, whether, if a greater number of people visited the British Museum—after going through all the rooms—the licensed victuallers would not find some advantage in placing very near the doors of the Museum their establishments. And, as it was very much the custom of this country, when there was an exhibition, and the people made a holiday of it, as they called it, that after seeing the sight, they went to some place of entertainment, where refreshments might be had, he was not quite sure that instead of starting these exhibitions against the licensed victuallers and the gin shops, the proprietors of those places would not find that they were getting a good deal more custom on a Sunday than they had before.

Mr. *Aglionby* did not understand the argument of the noble Lord, founded upon what he supposed to be the tendency of the proposition before the House. In his opinion the tendency of it, if adopted, would be to give the people better habits and better tastes. But the noble Lord was apprehensive that it would have some indirect and remote tendency to introduce other amusements on the Sabbath; and thus ultimately assimilate the Sabbath to the other days of the week. No doubt to the extent of opening the British Museum and National Gallery, this would have such a tendency; but it would be in the smallest possible point. But the noble Lord went further, and said—"I have no objection to the motion in itself, but I object to it because it may hereafter be urged in favour of some other proposition — for admitting of some further amusement on the Sabbath." And why should it not? Why should not each case rest upon its own merits? He would not relax any regulation where the relaxation of it would be improper, but he could not go the length which the noble Lord had done, and say, "I admit that the opening of the British Museum on the Sunday is not wrong in itself, but I oppose such an arrangement, because it may, by possibility, have a very remote tendency to the adoption of other arrangements that may be in themselves wrong." The noble Lord, therefore, would not go step by step, and allow each case to rest upon its own merits. He thought this no sound argument, and he called upon the noble Lord, if he saw nothing wrong in the motion, to agree to it; and that if at any future time any other proposition should be made that was wrong, then he was at perfect liberty to oppose it.

Mr. *Muntz* could see no difference between persons going to the British Museum and to the Zoological-gardens of a Sunday. In the one case they saw the images of animals, and in the other they saw the animals themselves. The question seemed to him to be this; whether, if this proposition was adopted, those who now went to places of public worship would be drawn from them to go to the British Musuem. He thought not, but he thought that many of those persons who never went to church or chapel, but resorted to places from which they had much better keep away, would, if it were open to them, go to the British Museum, and be thereby improved in their tastes and habits.

The House divided—Ayes 44; Noes 82; Majority 38.

List of the Ayes.

Aglionby, H. A.
Ainsworth, P.
Blake, W. J.
Bridgeman, H.
Brotherton, J.
Bryan, G.
Callaghan, D.
Clive, E. B.
Collins, W.
Darlington, Earl of
Dennison, W. J.
Dick, Quintin
Duncombe, T.
Eliot, Lord
Euston, Earl of
Evans, Sir De Lacy
Fielden, J.
Ferguson, R.
Fitzsimon, N.
Hector, C. J.
Hutton, R.
Langton, W. G.
Lynch, A. H.
Martin, J.
Muntz, G. F.
Nagle, Sir R.
Norreys, Sir D. J.
Oswald, J.
Paget, F.
Pechell, Captain
Philips, M.
Rawdon, Col. J. D.
Redington, T. N.
Stewart, J.
Stuart, Lord J.
Stock, Dr.
Strutt, E.
Thornely, T.
Vigors, N. A.
Villiers, hon. C. P.
Warburton, H.
Williams, W.
Wood, B.
Yates, J. A.

TELLERS.
Hamilton, Mr.
Hume, Mr.

List of the Noes.

Acland, T. D.
Ashley, Lord
Baines, E.
Baldwin, C. B.
Baring, rt. hon. F. T.
Barnard, E. G.
Bewes, T.
Blackett, C.
Blackstone, W. S.
Blair, J. B.
Botfield, B.
Broadwood, H.
Brodie, W. B.
Cantilupe, Lord Visct.

Clerk, Sir G.
Corry, hon. H.
Courtenay, P.
Cowper, hon. W. F.
Dalrymple, Sir A.
Douglas, Sir C. E.
Dunbar, G.
Egerton, W. T.
Estcourt, T.
Farnham, E. B.
Ferguson, Sir R. A.
Fremantle, Sir T.
Freshfield, J. W.
Gillon, W. D.
Gladstone, W. E.
Greene, T.
Greenaway, C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Viscount
Hamilton, Lord C.
Harcourt, G. G.
Hayes, Sir E.
Heathcote, G. J.
Hope, hon. C.
Hope, G. W.
Hoskins, K.
Houstoun, G.
Hurt, F.
Ingham, R.
Jackson, Mr. Sergeant
Knight, H. G.
Knightley, Sir C.
Lambton, H.
Langdale, hon. C.
Lennox, Lord A.
Lincoln, Earl of
Lowther, J. H.
Lygon, hon. Gen.
Mackenzie, T.
Mackinnon, W. A.
Maule, hon. F.
Meynell, Captain
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Packe, C. W.
Patten, J. W.
Perceval, Colonel
Pigot, D. R.
Protheroe, E.
Richards, R.
Rushout, G.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sandon, Lord Visct.
Seymour, Lord
Sheppard, T.
Smith, R. V.
Somerset, Lord G.
Stanley, hon. E. J.
Sugden, rt. hn. Sir E.
Teignmouth, Lord
Tufnell, H.
Turner, E.
Verney, Sir H.
Wilmot, Sir J. E.
Wyndham, W.

TELLERS.
Inglis, Sir R. H.
Goulburn, Mr.

HILL COOLIES.] Mr. *Mackinnon* said, that the motion of which he had given notice, had for its object the appointment of a select committee to investigate the propriety of allowing immigration of free labourers from the East Indies, not only into the Mauritius and British Guiana, but into every part of the British dominions. This was a measure of great importance, and he brought it forward without any party feeling whatever, or with any desire to give annoyance to her Majesty's Government. His wish was, that it should undergo a calm and clear consideration, in order to come to a satisfactory result. The Colonial Office, however good their intentions, did not possess sufficient information to enable them or the country to form a judicious and just opinion upon the subject. He would therefore move for the appointment "of a Select Committee, to investigate if it be in accordance with humanity, justice and good policy, to sanction, by Legislative enactments, the immigration of labourers from the East Indies and other parts of the world into the colonies and possessions of Great Britain."

Mr. *Vernon Smith* regretted that the motion had been brought forward at so late a period of the Session; but as the hon. Member had not stated the scope of his inquiries, or to what colonies he would confine the inquiries of the committee, he thought that this motion could not be agreed to by the House. Whether he would consent to the appointment of a committee next session he would reserve to that session to determine. Now, he must oppose the hon. Member's motion, promising that the Colonial-office would in the meantime duly and fairly attend to the interests of the colonists, as well as the welfare of the persons who might emigrate.

Viscount *Sandon* was aware of the inutility of appointing a committee at this late period, but he was pleased to hear that the attention of the Government was so strenuously directed to this question. He hoped that a plan might be fixed upon which would benefit all parties.

Mr. *C. Buller* thought that the new-born zeal of Gentlemen on the other side of the House for the supply of free labour to the West Indies was but an ill recompense for their late vote against the Government plan. If they were so deeply convinced of the necessity for a provision, they ought, at least, to have stated the grounds why they opposed the introduction of the Hill Coolies into the Mauritius. No more important subject could occupy the attention of the House, and it was necessary both for the interests of the colonies and of humanity that something should be done without delay, and he hoped that they would come prepared next session to legislate upon the subject, the public being first satisfied of its propriety by the inquiries of the Government.

Mr. *Warburton* by no means regretted the vote that had been lately come to by the House, because the Government has not, and never had, a control over the authorities of the Mauritius; and if there was to be an emigration that would succeed, it must be under the superintendence of Government, and it must be directed to those countries over which the Government had some control. But, before the House was called upon to give its consent to any measure, all the details ought to be laid before them.—House counted out.

HOUSE OF COMMONS,

Wednesday, July 15, 1840.

MINUTES.] Bills. Read a first time:—Church Temporalities (Ireland).

Petitions presented. By Mr. Sergeant Jackson, from Bandon, complaining of the Grand Juries Act as it relates to the Remuneration of Medical Witnesses.—By Mr. Hawes, from Lambeth, and other places, against the Copyright Bill.—By Mr. Villiers, from Carshalton, Southwark, and other places, for a Repeal of the Corn-laws.

GOVERNMENT OF CANADA.] On the Order of the Day being read for taking into consideration the Lords' amendments to the Canada Government Bill,

Lord *John Russell*, in moving that the amendments be agreed to, said, that with regard to one of those amendments some misapprehension seemed to exist in some quarters. It seemed to be supposed that one of those amendments had the effect of postponing the operation of the bill for fifteen months. Now the effect of that amendment was, to give the Governor-general a power to postpone its commencement for that period if he pleased, instead of the more limited period of six months, within which time the bill, as it went up to the Lords, was directed to be brought into operation. The amendment, therefore, did not at all prevent the bill coming into operation within six months, or indeed as soon as the Government at home and the Governor-general might think proper.

Amendments agreed to.

AFFIRMATION.] Mr. Hawes moved the second reading of the Affirmation Bill.

Mr. *Goulburn* understood from the hon. Gentleman the bill was not to come on that evening. Some hon. Friends of his, who intended to oppose the bill, were absent.

Mr. *Hawes* had made no promise not to bring on the bill that evening. He should not have brought on the bill in the absence of the right hon. Gentleman; but certainly he did not, in the communication he made to the right hon. Gentleman, contemplate the absence of any other Member of that House.

Mr. Freshfield moved, that the bill be read a second time that day week.

The House divided on the original question:—Ayes 49; Noes 43—Majority 6.

List of the AYES.

Aglionby, H. A.
Bannerman, A.
Barnard, E. G.
Barry, G. S.
Brotherton, J.
Buller, C.
Campbell, Sir J.
Fielden, J.
Greenaway, C.
Hector, C. J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Hume, J.
Jervis, J.
Labouchere, rt. hn. H.
Langdale, hon. C.
Langton, W. G.
Loch, J.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Morpeth, Viscount
Muntz, G. F.
Philips, G. R.
Alston, R.
Phillpotts, J.
Rawdon, Col. J. D.
Rundle, J.
Russell, Lord J.
Scholefield, J.
Seale, Sir J. H.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stanley, hon. W. O.
Strutt, E.
Style, Sir C.
Talfourd, Mr. Serjt.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, rt hn. Sir R.H.
Wakley, T.
Wall, C. B.
Williams, W.
Winnington, H. J.

TELLERS.

Hawes, B.
Maule, F.

List of the NOES.

Bailey, J.
Barneby, J.
Blackburne, I.
Blair, J.
Botfield, B.
Bradshaw, J.
Brownrigg, S.
Buck, L. W.
Chute, W. L. W.
Courtenay, P.
Darlington, Earl of
D'Israeli, B.
Estcourt, T.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, rt. hon. H.
Greene, T.
Grimsditch, T.
Harcourt, G. G.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Houstoun, G.
Hughes, W. B.
Ingham, R.
Inglis, Sir R. H.
Jones, Captain
Kelly, F.
Knatchbull, right hon. Sir E.
Knight, H. G.
Lascelles, hon. W. S.
Lockhart, A. M.
Lygon, hon. Gen.
Mackinnon, W. A.
Nicholl, J.
Packe, C. W.
Pakington, J. S.
Palmer, G.
Parker, M.
Parker, R. T.
Perceval, Col.
Wyndham, W.

TELLERS.

Freshfield, J. W.
Jackson, Sergeant

Bill read a second time.

PUNISHMENT OF DEATH.] On the Order of the Day for the House resolving itself into a Committee on this bill,

The *Attorney General* hoped that his hon. and learned Friend, the Member for Ipswich, would not press this bill during the present Session. If he should press it, it would place him (the Attorney-general) in a most painful and embarrassing situation. He had always been a warm friend to the abolition of the punishment of death in all cases where it was practicable, and he had laboured most zealously in that cause. He had assisted in carrying through two bills, which had the effect of diminishing the cases in which death could be inflicted from 200 to about fourteen. Those bills were passed in 1837, but they did not come into full operation until 1839. It was not, therefore, above a year that the country had had the means of trying the experiment. They ought to proceed with caution while they proceeded with zeal towards the object they had in view. Here was a bill having for its object the abolition of capital punishment in all cases except treason and murder—in England, and only in England—allowing the law in Ireland and Scotland to remain as it now existed. When his hon. Friend near him (Mr. Fox Maule) started that objection, which seemed to be considered unanswerable, the hon. and learned Gentleman himself yielded to it, and felt that unless he could bring in bills for Scotland and Ireland to pass stage by stage with the bill for England, it would not be right to pass the bill for England in the present Session. They had now reached the 15th of July, and were about to go into committee on the English bill; did his hon. and learned Friend hope to succeed in introducing and carrying through this Session bills for Ireland and Scotland? If he took in hand a bill for Scotland, he would find it a most arduous task. He would not have to deal merely with the statute book, but he would learn that, it was considered, that by the common law of Scotland, capital punishment might be inflicted in certain instances, and that those instances were not very well defined. But, independently of this argument against proceeding with the measure, he had objections to the provisions of the bill itself. Notwithstanding the zeal and industry of his hon. and learned Friend, he had entirely omitted one case in which capital punishment might be inflicted in England. As the law now stood, the forging and counterfeiting stamps in certain cases was a capital felony, without benefit of clergy. This, too, his hon. and learned Friend had entirely omitted. And why? Because he had not time to give that consideration to the subject which its solemn importance demanded. Other parts of the bill were liable to some most serious objections. What all were agreed ought to be established in the criminal law of this country was—that the punishment for each offence should be certain and well defined; but what did he find here? In fourteen instances of offences in which death might now be inflicted, his hon. Friend, in abolishing that punishment, had not provided another and an appropriate punishment for each offence, but he had lumped them together, and said that they should be punished by transportation for life, or for any term not less than seven years, or by imprisonment in England for five years, with or without hard labour. What sort of legislation was this, allowing, as it did, a discretion to be left with the judges, which ought not to be left to any tribunal, however enlightened. If his hon. and learned Friend had taken the time which was necessary for so very important and arduous an undertaking, he would have fixed a specific punishment for each offence which was now punishable with death, and which he considered ought hereafter to be punished in a more mitigated manner. The cautious mode of proceeding was this, that they should ascertain by experiment before they actually enacted a statute, and see how the system worked which they wished permanently to establish. It was in that way that his noble Friend the Secretary of State for the Colonies proceeded, before he introduced those bills which took away the punishment of death in a vast variety of cases, and he was now proceeding in the same way. Since those bills had passed, the punishment of death had only been inflicted in cases of murder, with one single exception; and that was in the case of an attempt to murder, under very aggravated circumstances. He was not prepared to say whether they ought to abolish the punishment of death in every case, however atrocious the crime, merely because it so happened that the victim survived a year and a day, although he might have been left for dead, and although the case was attended with circumstances of the greatest enormity. Since those bills had passed, the punishment of death had been inflicted in one case for an attempt at murder, and, he believed, with the approbation of the great bulk of the community. Why, he would ask, should this subject be taken out of the hands of his noble Friend? Had his noble Friend shown that he had waxed cold in the cause? No; he was as zealous as ever to promote the great end which all were anxious to attain; and he, therefore, again entreated his hon.

and learned Friend to suspend all further proceedings till the next Session of Parliament. He would ask him, had full inquiry been made as to the opinions of the judges upon this question? Had they been consulted? They were now on the circuit, and it was utterly impossible that their opinions could be taken upon the details of the bill. Was it not desirable that their opinions should at least be known with respect to a certain offence which he could only glance at? His hon. and learned Friend would know what he meant. In a bill which had passed through the House of Commons, a clause was introduced to take away the punishment of death for those offences, but in the House of Lords that clause was struck out upon the suggestion, he believed, of a noble and learned judge. Was his hon. and learned Friend aware that that objection had since been removed in that quarter, and did he think it possible that such a bill as this could pass without discussion in the other House? If not, then was it possible that any discussion could, at this late period, with advantage take place? Under all these circumstances, he thought his hon. and learned Friend would best consult the object he had in view, which was, not to gratify any personal vanity, or to obtain any temporary popularity, but to advance the great cause of ameliorating the criminal code of this country, by the abolition of the punishment of death in as many cases as possible, by postponing this measure to another year.

Mr. *Kelly* must express the very great concern which he felt, that in pursuing the course which he intended to pursue upon that occasion, he should give the slightest displeasure to his right hon. and learned Friend the Attorney-general. But at the same time he should not act as his strong sense of duty prompted him, if he acceded upon that occasion to the proposition of his hon. and learned Friend. His hon. and learned Friend implied that he had taken the present matter out of the hands of the Government and the noble Lord the Secretary for the Colonies. Now upon that point he should take the liberty of reminding the hon Gentlemen opposite, that before he had ventured to undertake a measure of that kind, he had distinctly asked whether the noble Lord the Secretary for the Colonies, or any member of the present Government, intended bringing forward any similar bill during the present session. It was only upon getting a reply in the negative to that question, that he had attempted to originate such a proposition as that then before the House. He had put the question at a time which would, if they wished, have enabled the Government to have passed those bills long before that day. But he had been told that the Government had no such intention. And it was only when he found that the hon. Member for Wigan, whose exertions in this cause deserved the greatest commendation, and that the right hon. Member for the Tower Hamlets, both of whom he had endeavoured to induce to take this matter up, and to whom he had offered his cordial assistance, had declined doing so for the present, that he had felt himself obliged by a strong sense of duty to originate and bring on this matter. Under these circumstances he had given notice after last Easter of his intention of bringing in a bill on this subject. He understood, too, that her Majesty's Government had no objection to the principles of the bill. The first reading had passed without discussion—so had passed the second reading. But now, when they came to the committee, this objection for the first time was made, and an impediment thrown in his way. But he felt it to be his duty to press that bill forward; and he was determined to move that the Speaker should leave the chair, that they might go into committee upon the bill in question. His hon. and learned Friend had complained that he had failed in bringing in a bill extending this measure to Ireland. On a former occasion he stated that his only reason for not doing so was, that he had not an opportunity of ascertaining the opinions entertained by hon. Members connected with that country. As soon as he learned that it was the desire of a great majority of the Irish Members that a similar bill should be brought in for Ireland, he, without delay, proposed a bill for that purpose, which was now on the table of the House, and which he intended should be read a first time to-morrow. He had also caused a bill to be prepared to extend the measure to Scotland, and it was now ready to be laid upon the table; but in consequence of a suggestion which had been made to him, he should submit it to the Lord Advocate in the course of to-morrow; and if that learned Lord would lend his assistance to the measure, although it might be accompanied with considerable difficulty, he felt that that bill might be passed this session. His hon. and learned Friend had objected to his (Mr. Kelly's) having substituted for the punishment of death the punishment of transportation for life, or for any period not less than seven years, or imprisonment in England of not less than five years, with or without hard labour, at the discretion of the judge. That point of discretion indeed was the principal objection. Now he begged to ask in what case of felony punishable with anything less than death, was not that discretion left to the judge? Why, in the very bills introduced by the noble Lord in 1837, that discretion was given to the judges precisely as he proposed now to give it. The only instance that he at this moment recollected of a different course having been pursued, was in the case of removing the punishment of death, and substituting the punishment of transportation for fourteen years certain, and that instance had been the subject of greater and stronger objections among the judges themselves, the counsel at the bar, and with the public, and he might say with the House of Lords, than any bill that had ever been passed by the Legislature of this country. And the reason was obvious, because offences that were subjected to capital punishment admitted of so many shades and degrees of guilt, that if they fixed one certain punishment to a particular description of offence, which the judge could not in any degree mitigate, it would be punishing crime, not according to the degree of guilt of the party committing it, but making persons whose offence might be very light and venial, although within the terms of the law liable to a severity of punishment altogether disproportioned to the offence, and which would raise one universal outcry against the law if it were suffered to exist. One word with regard to consulting the judges. If the noble lord considered it necessary to have the opinions of the judges on the subject he took it for granted that he had consulted them. He had not felt himself justified in consulting the judges in a formal or official way, under such circumstances, as to entitle him to state their opinions upon this subject, and for this very obvious reason—that the judges being about to go the circuit, he thought, if it were publicly known that any of them were of opinion that capital punishments should be abolished in certain cases, undue advantage might be taken of it, even by counsel who were employed by prisoners charged with such offences. He had, therefore, forborne, except in common conversation, to communicate with the judges upon the subject, but he could venture to say, that if this bill passed with the sanction of the Legislature, the judges as a body would be found among the last of her Majesty's subjects to complain of it. With respect to the instance of capital punishment, which was omitted in his bill—the offence of forging stamps—he presumed that it had by accident, and *per incuriam*, been omitted by the noble Lord from his bills in 1837. He felt it his duty, from which he would not shrink—a duty in which he hoped he should be supported by a great majority of the House, and, as he was sure he should, by a very large majority of the enlightened part of the community, to press this bill forward without a moment's delay, and obtain, if possible, the sanction of the whole Legislature to a measure which, he believed, would tend more to improve the national character, and prevent crime, than any other measure (except the bills for the introduction of which the country was indebted to the noble Lord) that had passed the Legislature within the recollection of the oldest man now in the House.

Lord *J. Russell* did not think the hon. and learned Gentleman had correctly represented the course which his hon. and learned Friend, the Attorney-general, and the Members of the Government had taken upon this question. He had stated, that the Attorney-general had now, for the first time, stated his objections to proceeding with this bill in the present Session. But he had taken exactly the same course when the hon. Gentleman first proposed to bring in the bill. He, on that occasion, stated the reasons why he thought it inexpedient to proceed with the subject this Session, and the Attorney-general had only repeated those reasons, with other objections taken to the bill itself. At the same time, he did not mean to say, that that opposition was what the hon. Gentleman now stated it to be—namely, an opposition to the principle of the bill. Neither he nor his learned Friend, the Attorney-general, denied that there were cases in which capital punishment was now inflicted ought to be taken away. That he understood to be the meaning of the bill; therefore, he would not allow it to be said that, because he did not think it was an expedient course to proceed with the bill this Session, and had said that the Government was not prepared to bring in a measure upon the subject, therefore, he was in favour of keeping up capital punishment in every case in which by law it might now be inflicted. But with regard to some of the cases enumerated in this bill he felt very great difficulty. That difficulty had been increased, and not diminished, by a document which had only been delivered this day, namely, a table of the number of criminal offenders. He had before stated, that he thought it was desirable to wait till next year, when they would have obtained more experience with regard to the operation of the bills passed in the year 1837. The hon. and learned Gentleman himself might feel no difficulty upon the subject, because all his arguments were in favour of entirely abolishing the punishment of death. When a gentleman had once made up his mind in favour of the abolition of the punishment of death in all cases, there was no question with him as to the degree in which the abolition of that punishment should be carried, or as to the operation of the law; but he not being of that opinion, he did not feel, in particular instances, a very considerable difficulty. He did not think the hon. and learned Gentleman had represented quite correctly the bills which he had the honour of introducing in the year 1837. The hon. and learned Gentleman said, that they left the punishment as much to the discretion of the judge as the bill which he had himself brought in. He certainly did leave the punishment of imprisonment in every case to the discretion of the judges; but with regard to offences against the person—burglary, stealing, and robbery, and with regard to the crime of piracy, there was a certain term of transportation above seven years, being in one instance ten years, and in another fifteen years, below which the judge could not sentence any offender. Therefore, it was not exactly a correct representation of the fact to say, that the hon. and learned Gentleman had followed the Acts then passed. He did not mean to contend, in any way, against the principle of the bill; and as the hon. and learned Gentleman, as he thought unadvisedly, wished to persist in going into Committee, he certainly should not oppose the Speaker's leaving the chair, or give to the bill any other opposition than by leaving it to the hon. and learned Gentleman to decide whether it was wise and expedient to proceed with it.—House in Committee.

On the paragraph of the preamble reciting the Act, which inflicted the punishment of death for the offence of setting on fire, or destroying King's ships, or other property relating thereto, being read,

Lord *John Russell* said, that he certainly did introduce a clause in his bill of 1837 to the same effect, but it was struck out by the Lords, upon the ground that it was a crime partaking very much of the character of treason; that it was a very high offence against the state, and was one which, not being frequently committed, was not lightly to be made the means of depriving persons of life wantonly or unnecessarily. It was, therefore, considered that this safeguard as it were to the state, and as a matter concerning the means by which the state was enabled to carry on its defence, should be preserved. He confessed, upon considering these arguments afterwards, his opinion was, that they were well-founded, and that he was mistaken in his original proposition; he, therefore, should move the omission of this paragraph.

Mr. Sergeant *Jackson* concurred in the views of the noble Lord. The offences as defined by this paragraph was nothing short of levying war against the Queen; he hoped his hon. and learned Friend would not consider the omission of the paragraph an invasion of the principle of his bill.

Mr. Sergeant *Talfourd* believed first thoughts were generally best, and the noble Lord's original proposition was most in accordance with the enlightened dictates of humanity and sound policy. There was a clear distinction between such offences involving merely the destruction of property and cases of high treason. He hoped the paragraph would not be expunged from the preamble.

Mr. *Kelly* understood, that the leading principle of the noble Lord's own bill in 1837 had been to exempt from capital punishment all offences merely against property, leaving those connected with violence or danger to the person liable to the extreme penalty of the law. This was an offence directed clearly and solely against property; and on the principle of the noble Lord himself the paragraph should be maintained.

Mr. *F. Maule* put the case of ships being fired at sea, which having always a supply of gunpowder on board would endanger the lives of hundreds of her Majesty's subjects. Was not that an offence for which it was fitting the capital punishment should be retained?

Mr. *Aglionby* said, in case lives were sacrificed, and if the person committing the crime did not himself perish in the conflagration, he would doubtless be indicted for murder.

Mr. *C. Buller* said, his mind had been much shaken by what had fallen from the hon. Under-Secretary (Mr. F. Maule.) Suppose the case of a ship in Portsmouth harbour, and an individual from malice going and attempting to set it on fire, was there a crime more abominable than that of setting fire to a ship with perhaps 800 persons on board; and if the individual avoided the crime of actual murder in such a case, were they not to punish him for this most diabolical act? He would punish the intent to murder as severely as murder itself.

The Committee divided on the question that the paragraph stand part of the preamble:—Ayes 48; Noes 30: Majority 18.

List of the AYES.

Aglionby, H. A.
Alston, R.
Bainbridge, E. T.
Barnard, E. O.
Bernal, R.
Boldero, H. G.
Bridgeman, H.
Brotherton, J.
Duncan, Viscount
Duncombe, T.
Fielden, J.
Hawes, B.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hoskins, K.
Hughes, W. B.
Hume, J.
Hutchins, E. J.
Ingham, R.
Jervis, S.
Langdale, hon. C.
Langton, W. G.
Lascelles, hon. W. S.
Lennox, Lord A.
Lushington, rt. hn. S.
Mackenzie, T.
Morris, D.
Muntz, G. F.
Nagle, Sir R.
Pechell, Captain
Rice, E. R.
Rundle, J.
Stock, Dr.
Style, Sir C.
Talfourd, Sergeant
Tancred, H. W.
Thompson, Mr. Ald.
Thorneley, T.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Wall, C. B.
Warburton, H.
Williams, W.
Wilmot, Sir J. E.
Winnington, H. J.
Wood, B.

TELLERS.

Ewart, W.
Kelly, F.

List of the NOES.

Acland, T. D.
Adam, Admiral
Baldwin, C. B.
Baring, rt. hn. F. T.
Barry, G. S.
Berkeley, hon. C.
Bewes, T.
Blake, W. J.
Botfield, B.
Brownrigg, S.
Buller, C.
Campbell, Sir J.
Corbally, M. E.
Courtenay, P.
Elliot, hon. J. E.
Fitzsimon, N.
Grey, rt. hn. Sir C.
Hector, C. J.
Hodges, T. L.
Hotham, Lord
Inglis, Sir R. H.
Morpeth, Viscount
Norreys, Sir D. J.
O'Ferrall, R. M.
Pakington, J. S.
Russell, Lord J.
Seymour, Lord
Stanley, hon. E. J.
Teignmouth, Lord
Wood, Colonel

TELLERS.

Jackson, Sergeant
Maule, hon. F.

On the seventh paragraph of the preamble referring to the crime of rape.

Lord *J. Russell* moved that it be rejected. He thought that it might be possible to frame a clause for visiting with the punishment of death the more aggravated cases of rape.

Sir R. Inglis supported the motion.

Mr. Sergeant *Jackson* was anxious to retain the paragraph. Nothing was more frequent than for charges of this nature to be preferred for the mere purpose of forcing a marriage, which showed the danger of having such a punishment for this crime.

Mr. *Hobhouse* hoped the clause would be allowed to stand without any alteration. Charges of this nature were often preferred from conspiracy. He objected to keeping the punishment of death for this offence on our statute-book, when the punishment was virtually repealed; for in every instance where persons had been found guilty of this offence the punishment had been commuted; and this commutation of the punishment was calculated upon by the criminals as much as if there were no capital punishment for the offence.

Mr. *C. Berkeley* said, a one-sided view had been taken of this question, and cases had been alluded to where the offence was committed by one person under circumstances of sudden impulse of passion. But there were cases where the offence had been committed by several associated together on unprotected females, and to meet such atrocious cases as these he thought the capital punishment ought to be retained.

Mr. *Langdale* contended, that the

crime was an irreparable mischief to a virtuous female, and, therefore, he would retain the punishment of death for this offence.

Mr. *F. Maule* said, whatever unpopularity might attach to the opinion, he was decidedly of opinion that in certain cases the punishment of death did act as a preventive. He thought, that if the punishment of death were removed, this crime, instead of diminishing, would increase. It was better to retain the punishment, though it was rarely exercised, in order to meet extreme cases, than to abolish the punishment and lose this power.

Mr. *C. Buller* said, the real strong objection against the punishment of death was its irrevocability. He thought there was no offence to which they should be more careful of attaching irrevocable punishment than this, because there was no offence in which it was so difficult to get at satisfactory evidence.

Mr. *Bernal* thought, that the chance of obtaining a conviction was a strong argument for an alteration of the law. There were cases in the annals of our criminal jurisprudence in which juries had over and over again refused to convict for this crime. The death of the offender was no reparation to the unfortunate person placed in the horrible situation of a female who was the object of the crime. If a man was maimed or mutilated, was not the consequence equally irreparable? The effect of capital punishment was to incite the offender to add murder to the crime, in order to prevent detection. On the whole, he thought an alteration of the law would not only prevent the commission of the crime, but lead to a certainty of punishment.

Mr. *Ewart* was one of those who objected to capital punishments altogether, not from any sympathy with the criminals, but because of its inefficacy to prevent crime. It was his firm conviction that the time would come when the judges of the land would be advocates for the abolition of capital punishments.

Mr. *Muntz* said, what the committee had to determine was, which was the greater evil, rape or murder. Capital punishment for the former would incite an individual to commit the latter.

The Committee divided on the original question:—Ayes 50; Noes 25: Majority 25.

List of the AYES.

Aglionby, H. A.
Bailey, J.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Barnard, E. G.
Barry, G. S.
Bernal, R.
Bewes, T.
Boldero, H. G.
Brotherton, J.
Bruges, W. H. L.
Buller, C.
Courtenay, P.
Ewart, W.
Fielden, J.
Hawes, B.
Hindley, C.
Hobhouse, T. B.
Hodgson, R.
Hoskins, K.
Hughes, W. B.
Hume, J.
Hutchins, E. J.
Ingham, R.
Jackson, Mr. Sergt.
Jervis, S.
Lascelles, hon. W. S.
Lennox, Lord A.
Lushington, C.
Mackenzie, T.
Morris, D.
Muntz, G. F.
Pechell, Captain
Rice, E. R.
Rundle, J.
Style, Sir C.
Talfourd, Mr. Sergt.
Tancred, H. W.
Teignmouth, Lord
Thornely, T.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
Wall, C. B.
Warburton, H.
Williams, W.
Wilmot, Sir J. E.
Winnington, H. J.
Wood, B.

TELLERS.
Kelly, F.
Lushington, rt. hn. S.

List of the NOES.

Acland, T. D.
Baldwin, C. B.
Baring, rt. hn. F. T.
Berkeley, hon. C.
Blake, W. J.
Botfield, B.
Bridgeman, H.
Brownrigg, S.
Darby, G.
Elliot, hon. J. E.
Fitzsimon, N.
Greenaway, C.
Hector, C. J.
Hodges, T. L.
Inglis, Sir R. H.
Langdale, hon. C.
Morpeth, Viscount
Nagle, Sir R.
Pakington, J. S.
Pigot, D. R.
Russell, Lord J.
Sheil, rt. hn. R. L.
Stock, Dr.
Thompson, Mr. Ald.
Wood, Colonel T.

TELLERS.
Maule, hon. F.
Grey, Sir C.

On the next Paragraph,

Mr. Sergeant *Talfourd* said, as it would not be in his power to attend the future stages of the bill, he wished without bringing on a general discussion, to express his entire concurrence in the principle which the House had thus far sanctioned. At an early period of his life, and just as he entered on the profession in which he had now been engaged a great number of years, he had entertained, and he had not forgotten it, a strong feeling with respect to the infliction of the punishment of death, and he thought it right to say, that long experience as to the operation of the criminal law had strongly confirmed that impression. He felt astonished when he heard an hon. Member to-night state, that there were other punishments which he regarded to be as severe as the punishment of death, for he would desire to ask the hon. Gentleman—Do you know what the punishment of death is? Have you any means of judging what it is? Death was a great change, a change it might be for good, no doubt; it was a great and a good change to the good and to the wise and to those who were passing to their society. It was a change that must always excite sympathy and to a certain degree conciliate regard from those who were destined to tread the same unknown path. Therefore, when they were told they were trying to excite sympathy in favour of the criminal, he answered that nothing could excite half the sympathy occasioned by the infliction of the punishment of death upon a criminal. He was regarded as one about to appear at that terrible tribunal they all looked to, and must of necessity have his crime forgotten for the time by those who must shortly follow him. Therefore, he said, a Christian Legislature before it inflicted death, should have no doubt what the effect of that infliction was. They had the portal of the grave partially unveiled, and as far as it was unveiled, he declared he was astonished that a Christian legislator could consent to defeat the object of this measure. He concurred with the hon. Member for Wigan, that the support given to the bill showed that a Christian spirit had at length passed into our legislation, and he trusted before long they should be able to say, not with Judge Hale, that Christianity was part and parcel of the law of England, but that it was its inmost principle, its vivifying soul and spirit, and that this punishment would be so separated from it, and with results so triumphant, that they should feel amazed to think of its infliction. He, therefore, begged to express his thanks to his hon. and learned Friend for this great step in this great course, and he trusted he would persevere until the cause of humanity prevailed, and (for this bill would not entirely do so) until he had wiped off the stain which now disgraced a Christian Legislature.

Sir *C. Grey* would suggest to the hon. and learned Gentleman the propriety of modifying some of the clauses, so as to be secure of carrying some part of his bill. He put it to him whether he thought he should be able to carry his bill in its present state? With regard to the subject of piracy, from which it was proposed to remove the punishment of death, he knew of cases of piracy in which such atrocities had been committed, that he could not but think that those who were guilty of them ought not to be suffered to remain in this world. The hon. and learned Member then alluded to the case of Abraham Thornton, and put it to the hon. Gentleman, whether if, in a case of rape, the woman was driven by mental anguish to commit suicide, he would content himself with punishing the criminal in the same manner only as a common pickpocket.

Mr. Serjeant *Jackson* confessed that his objection to removing the punishment of death for attempts at murder had been completely removed by the argument of the hon. and learned Gentleman, and he, therefore, should support that clause. He was happy to hear that the feeling out of doors was against the infliction of the punishment of death.

Mr. *Wakley* entreated the hon. and learned Gentleman to consent to some of the modifications proposed by the Secretary of State. He believed it would be acknowledged by all acquainted with the other House of Parliament, than in its present state it would not pass that House. He himself thought that in aggravated cases of rape the existence of power to inflict the punishment of death ought to be retained. He thought the feelings of the House were taking a wrong direction on the subject. The learned Serjeant, in a very pretty and poetical speech, had expressed great sympathy for the murderer, but was none to be felt for the murdered? If the condition of the murderer, prepared as he was, was dreadful, what must be the case with the murdered, sent, as he was, into the presence of his Maker without one moment's preparation? He believed that there existed among juries an unconquerable aversion to convict in cases where capital punishments were inflicted. The editor of a morning paper had said he would not convict in a case of rape if capital punishment were to follow, that is to say, that he would commit perjury rather than convict. What were they to do with these sort of persons, as they might, and he believed some of them would, from a mawkish sentimentality, refuse to inflict any punishment? The hon. Gentleman then alluded to the case of Gould, who had been brought before him; there was no breach in the chain of evidence, and yet one of the jury at the inquest had said that although he had no doubt of his guilt, yet if his verdict were to consign him to death, he would not convict him. He knew not how to legislate for such persons as these. He was no lawyer, and he thought justice would be better administered if there were fewer of them; for their minds were so disciplined and instructed to deceive, that jurymen, at the conclusion of a case, were scarcely able to know what were the facts submitted to them to decide. He should like to know what was the distinguishing feature between murder and manslaughter—he imagined it was merely in intention—that the crime consisted in the intention and not in the result, and he would ask the hon. Gentleman if he was inflexible on retaining the clause in its present shape, and that in no case the attempt at murder should be punished with death? He thanked the hon. and learned Gentleman for bringing forward the bill, which he thought would be of advantage to the country.

Mr. *F. Kelly* said, that it was his opinion that the punishment of death should be taken away in all cases except high treason and murder; and such being the case, he thought it his duty to submit his opinions to the committee and to the House, and he hoped the bill would pass in its present state. He should endeavour to advert to the argument of the hon. Gentleman on the receiving the report. He firmly believed that if the sanction of the House should be given to the bill, it would not meet with any serious opposition in the other House.

The remainder of the preamble and clauses of the bill agreed to.

House resumed.

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HOUSE OF LORDS,

Thursday, July 16, 1840.

Minutes.] Bills. Read a second time:—Convicted Infants; Education.

Petitions presented. By the Bishop of London, from various places in his Diocese, for the Better Observance of the Lord's Day.—By Lord Kenyon, from Bradford (Somerset), Wellcombe, and other places, against any further Grant of Money to Maynooth College.—By the Earl of Haddington, from Whittingham, in favour of the Scotch Benefices Bill.—By the Bishop of Exeter, from Exeter, against the Grammar Schools Bill.—By the Marquess of Westminster, and Lord Stanley (of Aldersley), from the Inhabitants of the Township of Clive, various places in Chester, and other places. against the Weaver Churches Bill.—By the Duke of Richmond, from Liverpool, against the Beer Act Amendment Bill.

Lord Corehouse.] Lord *Lyndhurst* wished to put a question to the noble Marquess, the President of the Council, relative to Mr. Cranstoun, Lord Corehouse, lately one of the judges of the Court of Session in Scotland. He had not the honour of being personally known to that eminent individual; but he, in common with many of their Lordships in that House, had often heard him with admiration, when pleading at their Lordships' bar; and he would say, that a more acute, a more able, or a more profound advocate, never adorned the profession to which he belonged, and to which he was, in every respect, an honour. The same talents which he displayed at the bar that highly-gifted individual carried with him to the bench. If there were any necessity to adduce a proof of the high estimation in which Mr. Cranstoun was held, he had only to refer to a fact that was well known to their Lordships. It was proposed in the time of the late Lord Liverpool to reduce the burden of their Lordships' judicial duties, by appointing a person for the purpose of hearing and deciding appeals from Scotland; and on that occasion all who were consulted, as if by common consent, pointed to Mr. Cranstoun as the individual best calculated to fill that very high and responsible situation. Unfortunately, during the last Session of Parliament this eminent individual, in consequence of ill health, was obliged to retire from his situation as one of the judges of the Court of Session. Previous to that event, a bill had been brought into the other House of Parliament for regulating and augmenting the retiring salaries of the judges of Scotland. That bill passed into a law; but there was no provision for extending any of the benefits of that measure to the distinguished individual to whom he referred. This was entirely different from the practice which had usually prevailed in similar cases. By the 6th George 4th (the last bill for augmenting the salaries of the judges of England), provision was made, not merely for those judges who might retire in future, but for those who had retired before the passing of the act; and those eminent men Sir John Richardson and Sir William Grant, though they had left the bench several years before the passing of the act, received the benefit of its provisions. Another act of Parliament passed in 1813 (the 53d George 3rd), conferred a similar benefit on judges of England already retired; and by the 54th of George 3rd, which applied to Scotland, a similar benefit was extended to judges who had retired before the act was passed. He did not on this occasion ask the reason of this difference between the measures to which he had alluded and the last bill, nor did he mean to make any complaint. He should merely confine himself to the expression of a hope that, by depriving Mr. Cranstoun of this additional emolument it was not intended to pass any slight on him, nor in any way whatsoever to express any disparagement of his services, his knowledge, or his abilities. He pressed this question on the noble Marquess, because the noble Marquess was intimately acquainted with this eminent individual, because he had had a peculiar opportunity of knowing and appreciating his distinguished abilities, and because he possessed the means of judging accurately of his eminent services.

The Marquess of *Lansdowne* was not only perfectly willing to answer the question of the noble and learned Lord, but was extremely obliged to the noble and learned Lord for the opportunity which it afforded him of stating his concurrence in the character which he had so justly given of this eminent individual. For no person, neither the noble and learned Lord nor any other individual, could feel more deeply than he did, if there was the possibility of any shadow of a doubt, or of a particle of misunderstanding existing in the mind of the noble and learned Lord, or in the mind of that eminent person, on the subject to which the question referred, that the matter should be set perfectly right and that doubt completely dissipated, and that he was enabled to do in the most distinct and decided terms. Because, though he was not himself officially consulted, or officially a party to the transaction of which the noble and learned Lord spoke, still, from the sincere feeling of respect which he bore to Mr. Cranstoun, whom he had known all his life, and he was proud to have known him from the earliest period, he endeavoured to make himself fully acquainted with the nature of the transaction and all its circumstances. He would not enter into those circumstances, because the noble and learned Lord had said that he did not rise to make any complaint on the subject. But the result of that inquiry he could truly declare was, that, in the whole proceeding, not the least slur was intended to be cast on the character of Mr. Cranstoun. On the contrary, the most sincere feeling of respect was entertained for the services of that excellent individual, and of admiration for his great talents. His knowledge was not restricted or confined to his eminent legal acquirements, with respect to which the noble and learned Lord was so much better instructed to speak than he was, but it extended to every species of information. Mr. Cranstoun was, indeed, distinguished for universal knowledge. He combined those rare qualities with high legal attainments. At the bar he was an able and eloquent advocate; and, finally, for a period of 18 or 20 years, he was one of the most eminent and distinguished judges that had ever been known in the northern part of this country. When the bill was introduced for the purpose of regulating and new-modelling certain matters connected with the Court of Session, it was intended that the proposed increase of allowance should be granted to him. That, however, was prevented by the omission of a particular clause. But the Government had the satisfaction and gratification of knowing that Mr. Cranstoun had retired upon an honourable independence, attended by the respect, the esteem, and the sincere approbation of all those who knew him. He trusted that he might be permitted, for the purpose of showing that Government were not insensible to the merits of this excellent man, to read a paragraph from a letter written by Lord J. Russell, who was at the time at the head of that department which was immediately connected with the administration of justice. In that letter, which he held in his hand, Lord J. Russell said, "I cannot refrain from expressing my deep regret that abilities of so high a character should be lost to the country, and that the administration of justice should be so suddenly deprived of those services by which the public has been so long benefitted." These were the sentiments of Lord J. Russell on the retirement of Mr. Cranstoun from his situation, and the same feelings of regret which were there expressed were, he believed, felt by every class of society.

Lord *Brougham* said, that in point of strict justice to Mr. Cranstoun, he could not allow this opportunity to pass without making one or two observations. His genius, talent, and ability were such that to see his equal hereafter on the bench was to him rather a matter of hope than of expectation. His noble and learned Friend had alluded to what had taken place under the government of Lord Liverpool; but he would remind his noble and learned Friend, that it was not one minister only, but successive Governments, that having considered of the plan for lightening the judicial business in that House, had, by the common consent of all parties, fixed on this eminent man, as he who was best calculated to carry their ideas on the subject into effect. If that plan had been acted upon, that accomplished man and venerable judge would undoubtedly have become an ornament of that assembly which he then had the honour of addressing.

Lord *Denman* said, it was his misfortune not to be able to speak of Mr. Cranstoun from personal acquaintance or from any great familiarity with his legal acquirements; but, from the character which he had received from his noble and learned Friends, and from what he himself knew, he believed that he was highly honoured and respected by the whole profession to which he belonged, from the highest to the lowest department. He trusted that at some future period it would be admitted that a debt of justice was due to this gentleman, and that debt he hoped would be paid to him.

The Earl of *Haddington* said, he rose simply as a gentleman connected with that part of the United Kingdom in one of the courts of which Mr. Cranstoun had presided, to express the extreme satisfaction he felt at what had been said by the noble Lords who had preceded him. What had fallen from his noble and learned Friend near him, and from the noble Marquess opposite, would, he was convinced, be most gratifying to Mr. Cranstoun. That individual, independent of his various acquirements, and of his unparalleled reputation as a lawyer, was, he would say, one of the most accomplished gentlemen of his time.

Conversation at an end.

PUBLIC EDUCATION.] The Marquess of *Lansdowne* said he was anxious, before the order of the day was read, to move for the minutes of the proceedings of the Education Committee of the Privy Council. The noble Marquess expressed his confident hope that the labours of the committee would be productive of very great benefit, especially as certain differences which had previously existed with other parties had been in a great degree removed.

The Archbishop of *Canterbury* said, the proper time for entering into a discussion on the subject of education would be when the minutes were laid on the table; but still he felt it incumbent on him to express the great satisfaction which he experienced at the adjustment of the differences which had existed between the friends of church education and the committee of the Privy Council. The chief difficulty related to the appointment of inspectors, and that difficulty, he was happy to say, had been overcome. Should the arrangements which had been made be fully and fairly carried into effect, which he believed would be the case, he had no doubt, judging from the nature of the discussions and negotiations which had taken place in reference to them, that they would be found to operate very beneficially.

Motion agreed to.

THE REGENCY.] The *Lord Chancellor :* My Lords, I trust your Lordships will be of opinion that the importance of the subject to which I am about to call your Lordships' attention justifies me in departing from that which is the custom of your Lordships' House, namely, not to make a statement on any bill until it comes to the second reading. But, my Lords, I am anxious that your Lordships should be put in possession of the general provisions of this bill before it is placed in your Lordships' hands. Your Lordships will recollect that immediately before the accession of her Majesty to the Throne, it was thought necessary by Parliament to make a provision for the only contingency which at that time appeared to be within the limit of probability to occur—of the Crown descending to an illustrious individual who, from his important position as the Sovereign of another country, might not be in these dominions at the time of his accession to the sovereignty. For that contingency your Lordships and the other House of Parliament thought it proper to make a provision for the government of the country, and for securing the succession to that illustrious person until he should be able to arrive in this country to assume his regal position, and fulfil the duties and prerogatives which so devolved upon him.

That is not the only contingency, my Lords, which is now to be guarded against. Your Lordships will understand that events may occur by which for a long series of years the country may be left in this state —namely, that the heir to the throne, whether apparent or presumptive, may be an infant of tender years, and incapable of administering the duties and exercising the prerogatives of a sovereign. It is true, my Lords, that is a contingency which your Lordships would be most unwilling to contemplate, and which, if the prayers of the nation be heard, will never occur. The nation, my Lord, hopes, and has reason to hope, that the life of her Majesty will be prolonged far beyond the period at which an heir apparent would arrive at a majority. But, my Lords, whilst we trust in the goodness of Providence, it is likewise necessary for the wisdom of Parliament to guard against every contingency, and your Lordships are called upon to make provision for that event which may happen at any time for a long series of years, during which the heir to the throne would be an infant. Your Lordships have therefore to consider whether it is not expedient to guard against this possibility, and to provide the means by which, under any contingency, the duties and prerogatives of the Crown may be exercised and secured. If that should be your Lordships' opinion of the duty of Parliament, and if any of your Lordships should think it expedient now to make the provision, the question then will be—First, to whom the important trust of exercising the royal powers, during the infancy of the Sovereign, shall be confided, and whether there shall be any provision made as to the mode in which that individual shall exercise those functions. It is a great relief to me in submitting a measure for this purpose to your Lordships' consideration, to find that under circumstances very similar to the present, the opinion of Parliament was declared in an act which passed in the year 1830. I say it is a great satisfaction to me, because that act passed under circumstances which entitled it pre-eminently to the consideration of this House, and not only received the sanction of both Houses, but became the law of the land, and was introduced by a noble and learned Friend, a Member of the then Administration. It made but little progress before that Administration changed; but it contained provisions so much approved of by Parliament, that it was taken up by the Government which followed, and became law by the unanimous approbation of all parties in Parliament. I said it was a great satisfaction to me to find that precedent, because it enables me to recal to your Lordships' recollection the provisions introduced into that measure on the two subjects I have referred to, and therefore supersedes in a great measure the necessity of travelling back to an earlier period of our history, and to the discussions of former Parliaments. The Act of 1830 was passed on the accession of his late Majesty, her present Majesty being then of tender years; of years that it would have been impossible, if the Crown had descended to her, for her personally to have administered its duties. The provisions of that act were, that in that event the Illustrious Mother of her Majesty should have the guardianship of the person of the Queen, and exercise the duties of the Crown, and act as Regent for her Majesty until she should attain the age of eighteen years, under certain restrictions. This act contemplated the Crown descending on a minor, and made provisions for the government. That to which I now call your Lordships' attention, also provides for the possible event of the Crown's descending to a minor. My Lords, the surviving parent, so identified with the interests of the infant Sovereign, is the person to whom you would naturally look as the proper person to have the care and guardianship of the infant, and to have the administration of the duties of the regal office. It was so considered in 1830, and I trust your Lordships will entertain the same opinion now. My Lords, the question then remains, whether the Regent so appointed should be fettered by any parliamentary restrictions, or whether the Regent should be permitted to exercise all the power, all the duties, and all the functions of the Sovereign? My Lords, a case may undoubtedly occur in which Parliament may think it necessary, for some temporary absence, or some temporary illness of the Sovereign, to provide the means of exercising the Royal authority, and yet the great object may be to preserve the Royal authority unimpaired to the Sovereign when he may return. Such was the object of the bill to which I have before adverted, and which passed in the first year of her Majesty's reign. That bill did not appoint a

Regent; it appointed lords justices, and the object of the bill was to do as little as might be, but to preserve things in that state that the Sovereign on coming into this country to assume the reins of government might find public affairs in the same state, as nearly as possible, as they had been left by the preceding Sovereign. But, my Lords, when your Lordships are making provision, the object of which must be to provide for the Government of the country for a long series of years, your Lordships will be of opinion, that it is not prudent, that it is not safe, and that it is not consistent with the principles of the constitution, that the Sovereign power should be fettered in the hands of the Regent. The power and prerogatives of the Crown are given to the Crown to preserve the balance of the different parts of the Constitution of the country, they are given to the Crown in order to preserve the power of the Crown in that state in which it is most beneficial to the public it should be preserved. They are not, therefore, given to the Crown for any other purpose than that of being exercised, and as occasion may require, of adding to or strengthening the power of the Crown, or dealing with the affairs of the State, in such manner as it is the duty of the Crown, according to the Constitution, to exercise or deal with them. They are not larger than the Constitution of the country thought necessary, and if they were necessary so to be exercised in the person of the Sovereign sitting on the Throne, in his own right, and in the plenitude of the power a Sovereign exercises, how much more necessary must they be when the powers of the Sovereign are exercised by a person with the diminished powers and authority of a Regent, by one not acting in his own right, and wielding his own powers, but as a substitute for another? To impose fetters and restrictions in such a case would be to set a dangerous precedent, which I trust your Lordships will not be disposed to set. There are, however, certain restrictions which cannot interfere with the due exercise of the prerogative of the Crown, and which it might be thought proper to impose upon a Regent. I refer to those which were introduced in 1830, and which appear to be so proper and reasonable, that I have introduced them into the present measure. It is obvious that a Regent acting for and on the behalf of a Sovereign incapable of acting for himself, should not have the power of assenting to any bill by which the succession to the Throne could be in any manner altered. Your Lordships, I apprehend, will be of opinion, that such a power should not be confided to a Regent. I do conceive, that your Lordships will also be of opinion, that no power should be given to a Regent of altering the laws which relate to the uniformity of worship in the Church of England. Neither should the Regent have power to interfere with the rights of the Church of Scotland. These powers should not be intrusted to a Regent, but should be preserved entire to the Sovereign. But, my Lords, with these restrictions, with these exceptions, I trust your Lordships will be of opinion, that the Regent ought not to be called upon to exercise the functions of the Sovereign with fettered and restricted powers. Your Lordships are aware, that if it should seem fit to Providence to inflict upon the country the misfortune of a termination to the life of the Sovereign before the time at which the heir apparent could assume the reins of Government, and your Lordships should then be called upon to make the necessary provisions, the country would be in a state of anxiety from which your Lordships would be most anxious to relieve it, because this important question would then come to be discussed at a time when the Constitution would not be entire —in which there would be no one to exercise the royal function, and prerogatives, whereas your Lordships are now called upon at a time when the Constitution is perfect to provide for an event which may by possibility happen. It therefore, as I apprehend, becomes the duty of Parliament now to provide for that contingency. My Lords, I have now briefly stated what are to be the provisions of the bill, and it would be highly satisfactory, in a matter so interesting to every individual in the kingdom, to find, in adopting the provisions and restrictions contained in the act of 1830, that the proposition received unanimous approbation.

Bill read a first time.

ADMINISTRATION OF JUSTICE.] The Lord Chancellor moved the third reading of the Administration of Justice Bill.

Lord *Denman* was of opinion, that it would be advisable to remove the present defects of the Court of Chancery by improving the forms and processes by which the business was carried on, as well as by adding to the judicial force of the court, although its present state might render that measure also absolutely necessary. The numerous petitions on this subject presented to their Lordships were not merely in favour of the present bill, but prayed likewise for further reforms. He was persuaded, that it was the duty of the heads of every department to cherish the spirit of reform as far as that could wisely be done, and this object could not be attained without calling in the aid of public opinion to sanction their efforts. On one part of this bill he looked with great satisfaction, he meant, that which abolished the equity jurisdiction of the Court of Exchequer—not that he presumed to form any opinion as to the propriety of dealing with the Exchequer as an equity court, but that he believed the common law of the country would derive great benefit from the constant attention of the Chief Baron. The bill of 1830 had removed many of the difficulties which stood in the way of the Exchequer becoming a good common law court, and had led to the appointment of the great judges who had since sat in the court, and had rendered it one of the most important in the country.

Bill read a third time and passed.

Grammar Schools.] The Earl of Devon moved the second reading of the Grammar Schools Bill.

The Bishop of *Salisbury* had no other object in rising than to express his deep gratification that a bill should have come up from the other House of Parliament, and would shortly receive their Lordships' attention, having for its object to remedy existing evils of a very serious nature in these most important institutions. A large proportion of these schools had become extremely limited in the range of their utility, and, from the general scope of this bill, and the mode in which its provisions were shaped, it was extremely likely to meet with a general concurrence.

The *Lord Chancellor* remarked, that the grievance was felt in all parts of the country, and that nothing but an Act of Parliament could prevent any attempt at improvement from being foiled by the continued existence of the old regulations.

Bill read a second time, and referred to a select committee.

HOUSE OF COMMONS,

Thursday, July 16, 1840.

Minutes.] Bills. Read a first time:—Administration of Justice.—Read a second time:—Toll on Lime; Commerce and Navigation; Church Discipline; Grand Jury Cess (Ireland); Court Houses (Ireland); Insolvent Debtors (Ireland).—Read a third time:—County Constabulary; Turnpike Trusts; Juvenile Offenders.

Breach of Privilege.] Mr. *W. O. Stanley* rose to call the attention of the House to what he considered to be a breach of privilege. It consisted of the following extract from a petition which had been presented to that House, and which had been signed by the hon. Member for Shropshire (Mr. O. Gore), for Carnarvonshire (Mr. J. R. O. Gore), and for the borough of Carnarvon (Mr. W. B. Hughes).

"Early in the present Session a petition was presented to Parliament, entitled 'The Petition of the undersigned landowners, and others, of the county of Carnarvon,' which bore the signatures of John Williams, high sheriff, the Lord Newborough, the Members for the county and borough, twelve justices of the peace, the mayor, and various other residents at Carnarvon, and which contained the following passages:—'That the interests of various landowners along the existing mail coach line through North Wales are deeply affected by the projects at issue; and that persons enjoying property at Holyhead, and in the island of Anglesea, have the deepest stake in the inquiry. That, under these circumstances, the strictest impartiality was called for, both as to the persons to be selected and the proceedings to be adopted in carrying the Address of the House of Commons into execution. That such impartiality in the choice of persons appears to your petitioners not to have been exercised, and that, under all the circumstances of the case, there is every reason to believe, that any report these persons may make in favour of a particular harbour and line of railway will be deemed by the public prejudiced and unsatisfactory. That the grounds upon which your petitioners have been induced to form the belief stated are as follow. That various public meetings and other proceedings took place before the address already cited was moved, at which the relative merits of Holyhead Harbour and the Harbour of Port Dynllaen, for the purposes intended, were canvassed and discussed. That at sundry meetings of this kind great pains were taken on the part of Lord Stanley, of Alderley, who is reputed to possess considerable property in the town of Holyhead and the island of Anglesea, and whose son, the hon. William Owen Stanley, represents the county in Parliament, to show that Holyhead was the fittest harbour for communicating with Ireland, and that a line of railway from Holyhead to a point in the London and Birmingham Railway was superior to a competing project from Port Dynllaen. That it appeared at one meeting (of which the hon. William Owen Stanley was the chairman) that Captain Beechy, R.N., had, for or at the instance of the parties interested, surveyed the Harbour of Holyhead, and reported upon its fitness for the intended purpose, and that his opinion in favour of Holyhead, had been delivered in and was quoted to the meeting by Captain W. J. Deans Dundas, Secretary to the Ordnance. That, under such circumstances, and after the decided part taken in the matters in dispute by the promoters of the Holyhead line and the Secretary to the Ordnance, the appointment of the said Captain Beechy, R.N., who had already given judgment professionally in favour of that conclusion which so greatly served the purpose and interests of the interested parties, was not, in the opinion of your petitioners, consistent with that impartiality and that perfect fairness to all persons or interests concerned or affected, which ought to be inseparable from the proceedings of Government acting on behalf of the Crown upon a public question of the very greatest importance."

He had made enquiry, and he could not find that any such petition as was here referred to had been presented to that House, but he found that such a petition had been presented in the other House of Parliament; and he held it to be a breach of the privileges of this House to allude to a petition which had not been presented. He must also complain of want of courtesy, in the fact that a petition which alluded to him by name had been presented without his receiving any notice of it.

Lord *J. Russell* said, that admitting all that had been said by the hon. Gentleman, he did not see in what way a breach of privilege had been committed. He wished the right hon. Gentleman, the Speaker, would give his opinion upon the point.

The *Speaker* said, he had no hesitation in stating that he did not understand the petition in any way to involve a breach of privilege. The words referred to by the hon. Gentleman could only be taken as part of a petition that had been presented to that House. The petition certainly reflected upon the conduct of persons employed by the Government, and of Members of that House; but it referred to them in their private capacity, and not to their conduct as Members of that House. If any breach of privilege had been committed, it had been a breach of the privileges of the House of Lords.

Subject at an end.

County Constabulary.] On the order of the day for the third reading of the County Constabulary bill,

Captain *Pechell* objected to the third reading of the bill on several grounds. He had resisted the measure in every stage last Session, but he had been foiled in his endeavour to exempt the towns that had a police force, and the present bill remained in its original objectionable form. The bill gave unqualified dissatisfaction to men of all parties in the towns, Tories, Whigs, and Radicals. If, however, this bill were rejected, the Act of last Session, which was not liked, would still remain. He hardly knew whether he ought to divide against the third reading; he felt inclined to give the hon. Gentleman (Mr. Fox Maule) a chance of re-considering his opinion, and to agree now to a clause exempting the large towns.

Mr. *Law Hodges* said, that although the Act of last year might be required in some counties, yet the desperate remedy proposed was not wanted in several; and, therefore, it was that he had introduced his own bill. As a remedy for the defects of the existing Act he did not object to the present bill.

Bill read a third time.

On the question that the bill do pass,

Mr. *Denison* moved the re-insertion of the 24th clause, which prevented magistrates in Middlesex, Kent, Essex, Hertfordshire, and Surrey, from voting at Quarter Sessions upon questions on this bill, unless they were possessed of a certain property qualification within the district, and which had been rejected in committee. Unless this clause were introduced, the metropolitan magistrates, having no property in the district, might saddle the counties with heavy expenses.

Mr. *Rowland Alston* said, there were many magistrates in Hertfordshire who had acted with great credit, who would consider this clause a great stigma cast upon them; and as he thought no such implied censure ought to be passed by the House, he would oppose the clause.

Mr. *Fox Maule* having withdrawn the clause in obedience to what he deemed the general feeling of the House, although he retained his former opinion of its utility, could not now consent to its re-introduction.

Sir *Edward Knatchbull* said, that if this clause were inserted, they would lose in Kent the valuable services of the chairman of sessions in West Kent, and he could not consent to its introduction.

Motion withdrawn.

Sir Adolphus Dalrymple next moved the insertion of the clause of which he had given notice, to exempt large towns, in the following words:—

"And be it further enacted, that the power to appoint, and pay, and to make and levy rates for paying constables, under any act of Parliament made for watching any town, parish, or place, which by the last parliamentary enumeration of the population contained more than 30,000 inhabitants, and the powers and duties of all constables appointed by the commissioners for the execution of any such act, shall continue and be in force, notwithstanding anything in this act contained, or any law or act to the contrary."

Mr. *Craven Berkeley* assured the hon. Baronet that the town which he represented would be very glad if his amendment were rejected. If the hon. Baronet would move to exempt Brighton alone he would vote with him, but he could not agree to a general clause, which would exempt all large towns.

Mr. *Fox Maule* thought it unadvisable to adopt this clause, because it was not desirable that a town situated in the centre of a county should have a police differently governed from that by which the county was watched. There was a broad distinction upon the case of an incorporated town, because in that case the officers by whom the police was governed were selected by the inhabitants.

Mr. *Darby* thought that large towns, being without corporations, had a right to be placed upon the same footing as incorporated cities.

The House divided on the question that the clause be added to the bill:—Ayes 20; Noes 46: Majority 26.

List of the Ayes.

Baker, E.
Darby, G.
Gladstone, W. E.
Goulburn, rt. hn. H.
Grimsditch, T.
Hamilton, C. J. B.
Hawkes, T.
Hector, C. J.
Johnson, General
Knatchbull, rt. hon. Sir E.
Mackenzie, T.
Perceval Colonel
Pryme, G.
Round, J.
Vigors, N. A.
Wakley, T.
Williams, W.
Wood, Colonel
Wood, Colonel T.
Wyndham, W.

TELLERS.

Dalrymple, Sir A.
Pechell, Captain

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Alston, R.
Baldwin, C. B.
Baring, rt. hn. F. T.
Barnard, E. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Brotherton, J.
Bruges, W. H. L.
Buller, C.
Campbell, Sir J.
Cavendish, hn. C.
Clay, W.
Clive, hon. R. H.
Dalmeny, Lord
Denison, W. J.
Divett, E.
Harcourt, G. G.
Hawkins, J. H.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Inglis, Sir R. H.
Mildmay, P. St. J.
Morris, D.
Muskett, G. A.
Norreys, Sir D. J.
O'Connell, M. J.
Parnell, rt. hon. Sir H.
Pendarves, E. W. W.
Rice, E. R.
Rundle, J.
Sanford, E. A.
Sheil, rt. hn. R. L.
Somers, J. P.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Vernon, G. H.
Westenra, hon. H. R.
Wood, G. W.
Wood, B.
Wyse, T.
Yates, J. A.

TELLERS.

Maule, hon. F.
Stanley, E. J.

Captain *Pechell* moved that the following clause be brought up:—

"Provided always, and be it enacted, that nothing in this act contained shall extend to any town, parish, or place, now under any act of Parliament for watching such town, parish, or place, which by the last Parliamentary enumeration of the population contained more than 30,000 inhabitants."

Clause brought up and read a first time.

On the question that it be read a second time,

Mr. *F. Maule* submitted that the House had already expressed an opinion upon a clause exactly similar in its provisions, and that it was out of order to discuss and decide upon two clauses of the same description.

The *Speaker* was of opinion that there was a sufficient difference between the two clauses to render it competent to the hon. Member for Brighton to persist in the present motion.

The House divided:—Ayes 20; Noes 37: Majority 17.

List of the AYES.

Aglionby, H. A.
Baker, E.
Brotherton, J.
Dalrymple, Sir A.
Darby, G.
Hawkes, T.
Hector, C. J.
Hodges, T. L.
Hodgson, R.
Knatchbull, rt. hon. Sir E.
Perceval, Colonel
Polhill, F.
Pryme, G.
Round, J.
Vigors, N. A.
Wakley, T.
Williams, W.
Wood, Colonel
Wood, Colonel T.
Wyndham, W.

TELLERS.

Pechell, Captain
Johnson, General

List of the Noes.

Alston, R.
Baldwin, C. B.
Baring, rt. hn. F. T.
Barnard, E. G.
Berkeley, hon. C.
Bewes, T.
Bruges, W. H. L.
Clay, W.
Clive, hon. R. H.
Dalmeny, Lord
Denison, W. J.
Divett, E.
Ferguson, Sir R. A.
Gladstone, W. E.
Harcourt, G. G.
Hawkins, J. H.
Hobhouse, T. B.
Hoskins, K.
Loch, J.
Mildmay, P. St. J.
Muntz, G. F.
Muskett, G. A.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Rice, E. R.
Rundle, J.
Sanford, E. A.
Scholefield, J.
Sheil, rt. hn. R. L.
Somers, J. P.
Thornely, T.
Troubridge, Sir E.T.
Tufnell, H.
Vernon, G. H.
Wood, G. W.
Wood, B.
Yates, J. A.

TELLERS.

Maule, hon. F.
Bernal, R.

Bill passed.

Customs, &c. Duties Bill.] Mr. *Labouchere* moved the Order of the Day for going into Committee on the Customs. Acts. He proposed to go into committee *pro forma,* merely in order to introduce a bill, and he would defer his statement until a future stage.

Mr. *Goulburn* objected to the course which the right hon. Gentleman proposed to take. He thought the right hon. Gentleman ought to state at once what modifications he proposed to make in the customs duties. It was most desirable that the country should be made acquainted with them. The more regular course would be for the right hon. Gentleman to move the schedule of duties in committee.

Mr. *Labouchere* said, that was undoubtedly the proper course when it was proposed to increase any duties. But in the present case they did not propose to increase a single duty, only to reduce some duties.

Sir *E. Knatchbull* objected to the introduction of so important a measure so late in the Session as the 16th of July. Serious injury might be sustained by the various interests in the country by the delay. In his own part of the country parties were suffering very severely from the uncertainty which existed with regard to the intentions of Government.

Mr. *Labouchere* would at once state, that the only alteration in the existing duties that could at all affect the agricultural interest, was one on the duty on mustard seed and mustard flour.

House in Committee. Acts read.

Resolution, "That the chairman be directed to move the House for leave to bring in a bill to amend and alter the laws relating to the Customs Duties," agreed to.

House resumed; Resolution reported; Bill ordered to be brought in.

Metropolitan Police Courts.] House in Committee on the Metropolitan Police Courts Bill.

On the 6th clause,

Colonel *Wood* moved the omission of the latter part of the clause, for he could not consent to the ambulatory paid police magistrates under this bill, being permitted to supersede the county magistrates in their own courts.

Mr. *F. Maule* could not consent to omit any part of the clause.

Mr. *Hawes* said, some provision of the sort was necessary, unless measures were taken for carrying the Police Act thoroughly into effect.

The Committee divided on the question, that the words proposed to be left out stand part of the clause; Ayes 51; Noes 29: Majority 22.

List of the Ayes.

Baines, E.
Baring, rt. hn. F. T.
Berkeley, hon. H.
Brabazon, Sir W.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Campbell, Sir J.
Chichester, Sir B.
Dashwood, G. H.
Elliot, hon. J. E.
Evans, Sir De L.
Finch, F.
Gordon, R.
Hall, Sir B.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Hector, C. J.
Hobhouse, T. B.
Hoskins, K.
Humphery, J.
Hutton, R.
Labouchere, rt.hon.H.
Langdale, hon. C.
Marshall, W.
Maule, hon. Fox
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Muskett, G. A.
Parker, J.
Pechell, Captain
Pigot, D. R.
Protheroe, E.
Pryme, G.
Rice, E. R.
Sanford, E. A.
Scholefield, J.
Smith, R. V.
Somers, J. P.
Steuart, R.
Strutt, E.
Thornely, T.
Vigors, N. A.
Wakley, T.
Warburton, H.
Williams, W.
Winnington, H. J.
Wood, G. W.
Yates, J. A.

TELLERS.

Seymour, Lord
Tufnell, H.

List of the Noes.

Aglionby, H. A.
Attwood, W.
Blair, J.
Bramston, T. W.

Bruges, W. H. L.
Buck, L. W.
Darby, G.
Farnham, E. B.
Goulburn, rt. hon. H.
Grimsditch, T.
Hayes, Sir E.
Hodges, T. L.
Hodgson, R.
Hurt, F.
Jackson, Mr. Serg.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Miles, W.
Patten, J. W.
Peel, rt. hon. Sir R.
Perceval, Colonel
Reid, Sir J. R.
Rushout, G.
Somerset, Lord G.
Teignmouth, Lord
Thompson, Mr. Ald.
Wood, Col.
Wood, B.
Wyndham, W.

TELLERS.
Kemble, H.
Wood, Col. T.

Clause agreed to.

Remaining clauses and schedules agreed to.

The House resumed. Bill to be reported.

JUVENILE OFFENDERS.] Mr. Fox Maule moved the third reading of the Juvenile Offenders Bill.

General *Johnson* opposed the motion, and said he should divide the House against a measure which proposed to do away with trial by jury in cases of offenders under fourteen years of age.

The House divided—Ayes 71; Noes 16: Majority 55.

List of the AYES.

Aglionby, H. A.
Baring, rt. hon. F. T.
Barrington, Viscount
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blake, W. J.
Bramston, T. W.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Buck, L. W.
Buller, E.
Campbell, Sir J.
Chetwynd, Major
Chichester, Sir B.
Clay, W.
Clerk, Sir G.
Elliot, hon. J. E.
Euston, Earl of
Ewart, W.
Ferguson, Sir R. A.
Finch, F.
Gordon, R.
Goulburn, rt. hon. H.
Grey, rt. hon. Sir G.
Hall, Sir B.
Hawes, B.
Hawkins, J. H.
Hayes, Sir E.
Hobhouse, T. B.
Hodgson, R.
Hope, G. W.
Hoskins, K.
Howard, Sir R.
Hume, J.
Humphery, J.
Hurt, F.
Hutton, R.
Jervis, S.
Knight, H. G.
Labouchere, rt. hon. H.
Langdale, hon. C.
Macaulay, rt. hon. T. B.
Marshall, W.
Melgund, Viscount
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Muskett, G. A.
Pakington, J. S.
Peel, rt. hon. Sir R.
Pigot, D. R.
Rickford, W.
Rundle, J.
Rutherfurd, rt. hon. A.
Sanford, E. A.
Seymour, Lord
Somers, J. P.
Steuart, R.
Strutt, E.
Style, Sir C.
Thornely, T.
Tufnell, H.
Vigors, N. A.
Warburton, H.
Wilshere, W.
Wood, Colonel
Wood, Colonel T.
Wood, B.

TELLERS.
Maule, hon. F.
Parker, J.

List of the NOES.

Attwood, W.
Darby, G.
Evans, Sir De L.
Grimsditch, T.
Hamilton, C. J. B.
Hector, C. J.
Kemble, H.
Miles, W.
Nicholl, J.
Pechell, Captain
Perceval, Colonel
Pryme, G.
Scholefield, J.
Thompson, Mr. Ald.
Wakley, T.
Williams, W.

TELLERS.
Johnson, General
Fielden, J.

Bill read a third time and passed.

BANK OF IRELAND.] The *Chancellor of the Exchequer*, in stating his intentions with respect to the Bank of Ireland, felt that it was necessary to explain the object of the bill which he proposed to ask for leave to introduce. The charter of the Bank of Ireland was granted for a certain time, which terminated in 1837. After that period the condition was, that it should continue, but be terminable at a year's notice. At the present moment, the charter would cease at the end of twelve months, after notice duly given by the Government. There were two sums of money lent under different conditions by the Bank of Ireland to the Government. One of those sums amounted to about 1,000,000*l.*, which bore interest at five per cent. That sum was payable upon the termination of the charter. There was no power on the part of Government to repay that sum before the charter of the Bank terminated. If the Government desired to repay it, they could not do so until they had dissolved the charter. The other sum amounted to 1,615,000*l.*, and was originally repayable in 1838, but the repayment had subsequently been postponed from year to year, and had not as yet taken place. It was this sum, still unpaid, that rendered it necessary for him (the Chancellor of the Exchequer) to come to Parliament. As far as regarded the charter, no Act of Parliament would have been necessary; but as this sum of upwards of a million and a half was repayable on the 1st of January next, it was necessary that he should come to Parliament, either to postpone the payment or to obtain the means of effecting it. This was the position in which the question now stood; and he had felt it necessary to explain it, because he found, that a very erroneous impression existed with respect to the terms on which the charter of the Bank of Ireland was now held. He would now call the attention of the House to the points which he proposed to effect by the bill he sought to introduce. First, with regard to the charter itself. It was a question whether it were desirable, under present circumstances, to bring in any measure that would make a permanent provision with respect to the charter. His noble Friend, who preceded him in the Exchequer, originally proposed that up to the time when Parliament had it in its power to terminate the Bank of England charter, the same arrangement that existed with respect to that institution should apply also to the Bank of Ireland. That view, however, was abandoned. Soon after the commencement of the present Session, the House appointed a committee to inquire into the whole question of the monetary circulation of the country, and amongst other matters that came under its consideration, the effect of the issuing of notes payable by the Bank of Ireland was necessarily one. That committee was still continuing its inquiries, and one of the reasons why he had deferred till this late period of the Session the bringing in of any measure relating to the Bank of Ireland, arose from the circumstance, that he had waited to see whether it was likely that the committee would report during the present Session, or offer any opinion or suggestion which might serve as a guide to him in introducing any bill which he might think it advisable to call upon the House to adopt in reference to this question. From the advanced period of the year, however, at which he was now speaking, it was quite clear that no such recommendation could come from them during the present Session, as could be of any service to him in dealing with the subject. It was necessary, therefore, that he should lose no further time in making such an arrangement as, under the circumstances, should seem to be most desirable. It appeared to him that, with the inquiry still going on before the committee, it would not be advisable to come to any decision with regard to this question which might afterwards interfere with the permanent arrangement to be made in reference to the Bank of Ireland charter. Whatever opinions he might personally entertain upon the subject, it appeared to him that it would justly be open to the strongest objection if any permanent arrangement of the points to which he had referred were proposed whilst a committee expressly appointed by the House to investigate the whole matter was still prosecuting its inquiries. The various points connected with this subject, such as whether they should content themselves with the present machinery of the Bank, or whether it would be expedient to extend the circulation, or whether they should continue in existence a partial monopoly—on all such points as these it clearly appeared to him to be absurd to come to any decision while the committee were still pursuing their inquiries. The charter of the Bank of Ireland continued in force unless Government gave a year's notice to the contrary. This was a provision which, he thought, might fairly be allowed to remain till Parliament had all the information they could get before them. It was not necessary, therefore, to introduce any new enactment in respect of the charter, nor was it his intention now, or at any other time, to give such a notice without first bringing the case before Parliament. In reference to the sums lent to the Government, the one which bore 4 per cent. interest was payable on the 1st January next. He had stated that these sums were not connected with the charter, and might be payable without affecting it. He thought, however, that the present conditions annexed to the charter gave rise to much inconvenience and uncertainty, to which he did not think any establishment like the Bank of Ireland ought to be subject. He proposed to consolidate the two sums. The one bearing interest at five per cent. was payable on the termination of the charter; but if Parliament, under all the circumstances, thought it advisable to continue the charter until they received the report of the committee, he could not conceive that they would be told that they could not make payment of this money without putting an end to the charter. Under these circumstances he proposed to take a power to repay the whole of the money now advanced upon the condition of giving the Bank six months' notice of their intention to repay them the sum. Between the present time and the 1st January he should have frequent opportunities of communicating with the parties, and it might not be necessary to give the six months' notice before the repayment. The right hon. Gentleman concluded by asking for leave to bring in a bill to regulate the repayment of certain sums advanced by the Governor and Company of the Bank of Ireland.

Leave given.

MR. F. O'CONNOR.] Mr. *Aglionby* rose to make the motion of which he had given notice relative to the treatment of Mr. Feargus O'Connor in York Castle. That treatment had been so atrocious that he would venture to say no Member of that House would stand up in defence of it if the truth was only known. Mr. O'Connor was a man who was undergoing a most severe sentence, and was entitled to have the truth sifted. He begged the House to remember that the visiting justices had not dared to deny the treatment which Mr. O'Connor said that he had endured. All that they said was, that he was not now subject to the same treatment. If it turned out to be true that Mr. O'Connor was subject to the most menial services, besides being treated as a common felon, he hoped that this would form some foundation for the House agreeing to an address to her Majesty for some remission of those sufferings which the law never before recognised. Mr. Crawford had been sent down to inquire into this subject in consequence of the motion which he (Mr. Aglionby) had formerly made, but why was that Gentleman's report not produced? The House ought to have the whole of the information which he had received. It was not to be tolerated, that a gentleman moving in Mr. O'Connor's sphere in life should be treated as a common felon, and his petition withheld from that House; it was not to be tolerated that he should continue branded, on the authority of an inspector, as a person of no credibility when the documents which would prove his credibility were in the Home Office. The hon. Member concluded by moving for a

"Copy of any examinations, reports, or other papers received from any inspector of prisons or other person with regard to the treatment of Mr. Feargus O'Connor in York Castle; also, of any correspondence that has passed between Mr. Feargus O'Connor and any inspector of prisons, or any visiting justice, on the same subject; and also for any medical certificates, affidavits, or correspondence sent to the Home Office by Dr. Thompson, and by Messrs. Jago and Cooper, surgeons, with the dates thereof.

Mr. *Wakley* seconded the motion. He could not conceive upon what principle it could be opposed. Conciliatory attempts to settle the question had been made, and he was sorry to say had failed. The House had resolved not by any act of its own to interfere. If the hon. Under Secretary refused to allow Mr. Crawford's report to be produced he must bear the odium. Nearly three hundred persons were now confined in prison for political offences—that was for merely expressing their feelings in strong language. He had received a letter from Mr. O'Connor, describing his treatment, which, with the permission of the House, he would read. [The hon. Member read the letter.] He had not read this letter on a former occasion, because he had hoped that the Government would relent, and see the propriety of altering the treatment to which Mr. O'Connor had been subjected. He had hoped that the Government would have reprobated such conduct, and that they would have laid before the House every document that could have thrown any light upon the subject, that hon. Members might form a fair judgment as to who was to blame. He cordially seconded the motion.

Mr. *F. Maule* could not assent to the motion. Mr. O'Connor had been condemned for the publication of a political libel, not of a common description, but one of such a nature that the Attorney-general had told the jury—a fair and impartial jury of Englishmen—that if they did not consider it was calculated to stir up and inflame the minds of the people, they were bound to acquit the prisoner of the charge. The jury found Mr. O'Connor guilty of publishing an inflammatory libel, and for that offence he was brought before the Court of Queen's Bench to receive judgment. During the interval he was confined in the Queen's Bench Prison. The sentence was, that he was to be confined in York Castle. However, upon receiving accounts that the removal would be injurious to the health of Mr. O'Connor, the Secretary of State did not insist upon his removal on the Saturday morning, but deferred it until the Monday. During that time other applications were made, but not of a nature to induce the Secretary of State to interfere. Had Mr. O'Connor not been in a fitting state for removal on Monday morning, the Marshal of the Queen's Bench would have been responsible if he removed him. The Marshal took that responsibility upon himself, and Mr. O'Connor arrived at the end of his journey at two o'clock on Tuesday, not the worse for his removal—so little indeed, that he spent the afternoon in viewing the town of York, the Minster, &c. &c., and it was not until ten at night that he arrived at the prison, and Mr. O'Connor was not on his first reception placed in confinement which was not fitting for him. As soon as the circumstances that were afterwards complained of came to the knowledge of the Home Secretary, he sent down to the magistrates, recommending a mitigation of Mr. O'Connor's treatment. After that he was allowed every indulgence, except, indeed, that he was not allowed to carry on and conduct the publication of that paper for the publication of a libel in which he had been already condemned. But as doubts still existed in the minds of some as to whether those instructions for mitigation had been carried into effect, the Secretary of State in order to remove those doubts, and to ascertain whether the indulgences had been granted, sent down a person to make the necessary inquiries. The only report made to the Secretary of State by that person was that the indulgences set forth in his instructions had been granted to Mr. O'Connor; and that he was then, as far as the visiting justices could carry out the wishes of the Secretary of State, enjoying the benefit of them. As to the examinations moved for by the hon. Member, the only examinations that had taken place were not conducted by Mr. Crawford at all, but by the visiting justices. All the report from Mr. Crawford would be a simple negative or affirmative to the question he was sent to resolve. With respect to the correspondence between Mr. O'Connor and the inspectors, Mr. O'Connor might certainly have written to Mr. Crawford as well as to any other gentleman, but he knew of no such letters, and the Secretary of State had no power to call for them. As far as regarded medical certificates, he did not see what they had to do with Mr. O'Connor's confinement in York Castle. Those medical gentlemen had not, as far as he was aware, visited Mr. O'Connor there. The certificates were confined to the point whether it was right or wrong that he should be removed from the Queen's Bench prison to York Castle. The marshal of the Queen's Bench had supplied him (Mr. Fox Maule) with an account of Mr. O'Connor's dietary and exercise while confined there; and with regard to the latter he could inform the House that rackets formed a part of Mr. O'Connor's amusements. The marshal had stated also that he had not observed any symptoms of Mr. O'Connor being in the sickly state that had been described, and there was no doubt that, if called upon, the marshal would give a certificate to that effect.

Mr. *Hume* said, this was the first time that any public officer who had been sent by the Government to institute an inquiry into a case of a public nature, had made merely a verbal answer; but as that was the case, of course the House could not obtain any return.

Mr. Aglionby replied, and the House divided:—Ayes 12; Noes 19: Majority 7; but there not being a sufficient number of Members present to constitute a House, the Speaker left the Chair, and the division went for nothing.

List of the AYES.

Bridgeman, H.
Euston, Earl of
Fielden, J.
Finch, F.
Hume, J.
Jackson, Sergt.
Johnson, General
Perceval, Colonel
Pryme, G.
Scholefield, J.
Vigors, N. A.
Williams, W.

TELLERS.

Aglionby, H. A.
Wakley, T.

List of the NOES.

Baring, rt. hn. F. T.
Blake, W. J.
Brotherton, J.
Campbell, Sir J.
Douglas, Sir C. E.
Elliot, hon. J. E.
Ferguson, Sir R. A.
Gordon, R.
Hawes, B.
Hoskins, K.
Hughes, W. B.
Hutton, R.
Miles, W.
Pigot, D. R.
Rutherfurd, rt. hn. A.
Sheil, rt. hn. R. L.
Strutt, E.
Tufnell, H.
Wood, G. W.

TELLERS.

Maule, hon. F.
Stanley, E. J.

The House adjourned.

HOUSE OF LORDS,

Friday, July 17, 1840.

MINUTES.] Bills. Read a first time:—County Constabulary; Turnpike Trusts; Juvenile Offenders.—Read a second time:—Sale of Beer.—Read a third time:—Blenheim Palace Repairs.

Petitions presented. By Lord Brougham, from the Provincial Newspaper Society, for Amendment of the Law of Libel.—By Viscount Melbourne, from Royston, Brighton, and other places, against the Sale of Beer Bill.—By the Earl of Winchilsea, from the Western Division of the county of Kent, and by the Duke of Richmond, from Market-gardeners of Surrey and Kent, for an Increase of Duty on Fresh Foreign Fruit.—By Lord Brougham, from places in Cheshire, against the Weaver Churches Bill; and from Edward England, against the Chimney-sweepers' Bill.

SPANISH INDEMNITY BONDS.] The Earl of *Aberdeen*, in presenting to the House a petition from the holders of Spanish Indemnity bonds, and asking the attention of the noble Viscount for a few moments to the statement of the petitioners, reminded the House that he had presented a similar petition just two years ago from the same parties, and couched in the same terms. On that occasion, the noble Viscount not only admitted the justice and strength, and truth of the representations made by the petitioners, but he had gone further, and declared that the claim of the petitioners was of such a nature, that it ought to be liquidated preferably to any other claims on the Spanish Government, and that her Majesty's Government would lose no time in urging the settlement of the demand. Nothing had, however, since been done for the relief of those parties; and therefore they had again come forward with a petition, in the hope of obtaining redress. A convention was entered into in 1823, by the ambassador from this country to the Court of Madrid, for the purpose of obtaining redress on account of certain outrages, and the capture of certain property by the Spanish Government previous to that year. A mixed commission was in consequence appointed to examine the matter; but nothing was done up to the year 1828, when the parties complaining, by his advice, agreed to a compromise. They were willing to receive 900,000*l.*, instead of upwards of 2,000,000*l.*, the amount of claims registered under this commission. In consequence 600,000*l.* was paid in money, and bonds were given for the remaining 300,000*l.*, which bonds were secured by treaty entered into by the Spanish Government for that purpose, and sanctioned by, and textually embodied in an Act of Parliament, thus giving a security for these bonds, which no other bonds could possess. In 1836, the interest on these bonds ceased to be paid, and those by whom they were held suffered much inconvenience in consequence. The sum was so small, and the sanction for its payment so solemn, that it was impossible to suppose, that if the Government had exerted itself in pressing these claims properly, they would not have succeeded in effecting that object. Last winter an attempt was made on the part of the Government to effect an arrangement for the payment of this arrear, and acceptances were granted on the part of the Spanish agent for that purpose; but when the bills arrived at maturity, they were protested. Six dividends were now owing. The claims of the Spanish Legion had been pressed with an extraordinary degree of activity and perseverance in that House, and he saw by a letter from Sir De Lacy Evans, that they were nearly settled, and that a sum of 50,000*l.* had been actually paid. He did not deny the claims of the Legion, or the right which they had to call upon Government to assist them in obtaining justice; but their claims, assuredly, were not greater than those of the petitioners. They had taken these bonds under the sanction of a solemn treaty, which the Government was as much bound by as by any treaty that ever was made. He thought that there was something like a breach of engagement on the part of the noble Viscount (who had said that these claims ought to be liquidated preferably to all other claims) in not pressing the subject more strenuously on the Spanish Government. One circumstance ought not to be omitted in noticing this case. It was notorious that throughout all Europe Spanish bonds, and other Spanish securities, were at one time worth nothing; yet, owing to the sanction of the British Government, these indemnity bonds were received, when other Spanish securities were good for nothing, as valuable. He was much interested in this subject, because he was the person who had induced the parties to enter into a compromise in lieu of their original demand, and they naturally looked to him, by whose advice they took that step, to direct them with reference to the proceedings which they should adopt. He had thought it right to bring it forward again, and he trusted that it would be speedily settled. He wished that the noble Viscount would in this instance, exhibit a little of that energy which he had shown in endeavouring to effect a settlement of the claims of the Spanish Legion.

Viscount *Melbourne* observed that the facts, as stated by his noble Friend, were perfectly indisputable; and he must fairly admit, that the claims of the petitioners were entitled to a priority of consideration with the Spanish Government. But when he made that admission, he must at the same time observe that there were other circumstances than those of neglect or want of energy on the part of her Majesty's Government, which afforded in his estimation a sufficiently reasonable ground for the cessation of these payments. The claims of the petitioners had been strongly urged on the Spanish minister in this country, and also on the Spanish Government at Madrid, in the spring of this year, to which it was replied that Spain was really so pressed by the exigencies of the civil war, and that it was of such paramount necessity—of such supreme, absolute, and primary importance to put an end to that civil war, that for the present it was quite impossible to discharge any of the pecuniary claims which foreign nations might have upon her. It was further urged, that it would be more for the advantage of the creditors of Spain themselves that all the resources of the country should be applied to the great object of subduing the internal enemy, and of puting an end to the civil strife by which all the energies of the country had hitherto been paralyzed. It was impossible, he thought, not to feel the force of that argument. He must say, that he did not think his noble Friend had exhibited either now or on former occasions a disposition to make sufficient allowance for a country and a Government placed in such a situation as that of Spain. It was easy for his noble Friend to say that the sum claimed was small, and that Spain was a large country; but here in England we knew little or nothing of the difficulty that existed in procuring even the smallest sums in a country exhausted by civil war. Spain had shown great energy and a strong disposition to meet its engagements, and was only prevented doing so by that necessity to which all persons and all nations were compelled to yield. His noble Friend said he was quite sure the justice of these claims would be admitted, and that they ought to be satisfied, and that the Government was not justified in paying more attention to the claims of the Legion, though the claims of the Legion had something in them of a temporary nature, which perhaps these claims had not. He did not say that this was a just argument, though he could conceive some reason why that should be the case, but at the same time it was impossible, amidst the difficult affairs of a distracted and convulsed nation, to preserve that exact regularity of transaction which might be maintained in time of peace. There was now reason to hope that the civil war had terminated; but it was impossible that all the effects of it should cease at once, and that the resources of the country should become available to other purposes without some further delay. However, a better state of things and a more regular course of procedure might now be expected, and it would be amongst the first duties of her Majesty's Government to make such representations upon this subject as should appear to be necessary; and he had no doubt that the Spanish Government would also see the necessity of settling claims which were so manifestly just, and which they were bound by solemn treaty to liquidate. He felt perfectly satisfied that the claims of these petitioners would now be attended to with as little delay as the affairs of the country would permit.

The Earl of *Aberdeen* said, that the treaty which had been entered into rendered it a British obligation to see that the demands of these bondholders were satisfied. These bondholders were not persons to enter into speculations in foreign funds; but they received those securities under the guarantee of a British treaty, and the obligation was fully admitted by the Spanish Government. It was no answer to tell those persons that one of the contracting parties was poor.

Petition laid on the table.

LAW OF EVIDENCE (SCOTLAND.)] The *Lord Chancellor*, having moved the second reading of the Law of Evidence (Scotland) Bill, stated that the object of the bill was to do away with the present rule in the Scottish courts of excluding all persons from being examined as witnesses in cases, where the parties concerned came within certain degrees of consanguinity. Such a rule must operate to the frustration of justice in many instances, where the transactions under inquiry had taken place in the bosom of a family, and within the cognizance of near relatives only. He could not conceive that any opposition would be offered to so rational a measure. What would their Lordships think, if any noble Lord were to propose to alter the law of England, so as to exclude persons from giving evidence in cases in which their relatives were concerned? Such a proposition would be sonable request. I have an opinion on the rights of the lessees of the Church which differs from that which has been expressed by the hon. and learned Member for Cockermouth, and also from that which on a former occasion was expressed by the right hon. Baronet the Member for Pembroke. I maintain, that the lessees have no right to expect renewals of their leases, and that Parliament is not bound to assert any right for them. I am, notwithstanding, quite clear that there could not be a more important or difficult question, and therefore I repeat, that the proposal of postponement is moderate and fair.

Sir *J. Graham* said, that the present question was not a new one, and he was of opinion, that it should be finally disposed of on that evening. The noble Lord opposite, had been pleased to refer to an opinion delivered by him (Sir J. Graham) in the course of last Session. He had then contended, that although church leases had no legal right of renewal, they had an equitable right founded on long usage. But that right was altered when the rights of lessors, having short and terminable interests, were transferred to bodies having permanent interests. He felt the difficulty of the question to the full extent stated by the noble Lord, but he thought the House was as competent to decide it on a Friday as on a Monday. He felt that it was a balanced claim, and, therefore, taking the whole merits into consideration, he had determined on voting against compensation.

The *Chancellor of the Exchequer* said, that the speech of the right hon. Gentleman who had just sat down formed, in his mind, the strongest reason for the postponement of the debate. The right hon. Gentleman had admitted that the bill involved a great and important principle, in which it was even contended that, contrary to established practice, the Ministers of the Crown should give an opinion. He would ask, was it fair to decide on such a bill without the slightest notice given? All that was asked was a postponement until Monday, that a full opportunity might be given for the discussion of a bill which, although nominally private, was confessedly of great public importance.

The House divided on the question of adjournment: Ayes 58; Noes 58.

The Speaker gave the casting vote for the adjournment.

Debate adjourned.

NEWSPAPER STAMPS.] Sir *R. Peel:* I wish to ask the Chancellor of the Exchequer a question as to newspaper stamps. We know that the quantities of stamps taken out by each newspaper are published periodically, and a very proper regulation it is. We know also, that on this return appeals are made by some newspapers to the public, inviting advertisements in consequence of the amount of their circulation. It is therefore very desirable, that the real circulation of newspapers should be correctly stated in this official return. I believe some newspapers are in the habit of changing stamps with the Stamp Office, and the return ought to show the instances in which these stamps have been changed, as otherwise it is a fallacious return, and it has been complained that some papers have taken credit for the stamps exchanged as well as those received in return. I have had two or three complaints from newspapers of the kind, and I wish to know whether the right hon. Gentleman would find any difficulty in stating these exchanges in the returns?

The *Chancellor of the Exchequer* had also received communications on the subject, in consequence of which he had made some inquiries, the result of which was, that though a few instances might have occurred, this complaint was rather supposititious than real. He would have no objection to give the return if the right hon. Baronet would take the trouble to move for it.

Sir *R. Peel:* If the impression be erroneous even, it is of importance to satisfy the public that it is so. I think I shall do better by leaving it in the hands of the right hon. Gentleman to draw the distinction.

The *Chancellor of the Exchequer* said, he should be very glad to give the return if he knew what was really wanted; but he had heard so many suppositions that he did not think any return could satisfy everybody.

Sir *R. Peel:* It is quite clear that the right hon. Gentleman has heard a great deal more about it than I have, and therefore will be better able to frame a satisfactory return. I have heard but one complaint, that when a newspaper may have changed its title, size, or type, that the stamps on hand have been exchanged for others, and both taken credit for in the statement of circulation.

WINDOW TAX.] Mr. *Maclean* wished to know of the right hon. Gentleman, the Chancellor of the Exchequer, whether in the new survey on account of the window-tax those windows of coachmakers, and other trades requiring a large quantity of light, and having, consequently, the greater portion of their workshops made of glass, were to be rated in the same manner as they had been hitherto? He felt bound to apologise to the hon. Gentleman for asking this question without due notice, but he hoped that it would not prevent an answer.

The *Chancellor of the Exchequer* said, it was certainly a very difficult thing to answer questions without due notice. But what he had stated on a former occasion, he could not hesitate to repeat then, which was, that the new survey was not for the purpose of unduly increasing the window tax, but for the purpose of bringing into payment those windows which came within the existing law on the subject, but which, from the laxity of the practice, had not recently paid any tax at all. Under these circumstances, he could not undertake to pledge himself that the new survey should be conducted in the same manner as the old survey; nor that windows which paid no tax at present should be in the future also exempt. This, however, he would say, that there should be no vexatious interference with the public in regard to this tax.

Mr. *Hindley* wished to know whether, in case a manufacturer lived in his manufactory, he would be charged with the tax as for a dwelling-house? At present, manufactories were in part exempt, and he thought it would be a very hard case to charge a man who might, for economy's sake, live on his working premises.

The *Chancellor of the Exchequer* said, that it was not quite fair to him to put questions involving nice points of law without due notice. He was aware of the fact alluded to by the hon. Gentleman, and it was impossible to remedy it at present.

Subject dropped.

FACTORY INSPECTORS—SPIES.] On the order of the day being moved for a Committee of Supply,

Mr. *J. Fielden* rose to move, pursuant to his notice, that a select committee be appointed to inquire further into the disclosures made to the committee on mills and factories by Mr. Stuart, inspector of factories, on the 23rd day of June instant, and by Mr. Beal, superintendent of factories, the day following, as to their employment in other matters than those assigned to them by the authority of Parliament, and to ascertain how far the inspectors and superintendents of factories have been employed by the Government in the capacity of political spies. The hon. Member said he had been induced to bring forward this motion in consequence of proceedings that took place in the factory committee on the 23d and 24th of June last, and of information which he had received that those appointed by the Government to inspect factories had been employed as political spies; and he made use of those terms advisedly, their import being given by Dr. Johnson in the sense which he attached to them, and he considered this an employment most odious and degrading, and which had been considered so from the most remote periods of history down to the present period. So much so, that nations, at war with each other, punished with ignominious death those employed as such, and sent from the enemy's camp; and, if it be odious to a degree to subject such characters to such a fate, what odium ought to attach to those who employed them, or to those who were so employed amongst their fellow-subjects! He was first led into the investigation of the facts connected with this occupation, in consequence of the superintendents of factories who appeared before the committee complaining of the arduous duties they had to perform, for the inadequate remuneration they received. In the committee he was anxious to pursue the inquiry as to the facts of this case, and having Mr. Stuart, one of the factory inspectors, under examination, he put this question to him:—

"Have you employed Mr. Beal (one of his superintendents) in any other capacity than as a superintendent of factories?"

To which he received this curious answer:—

"I object to that question. This inquiry is limited to the operation of the Factory Act."

The room was cleared, and after considerable discussion, Mr. Stuart was recalled, and informed by the Chairman that he should answer the question. The examination proceeded, and to question 8,213, Mr. Stuart said, that:—

"He had required his superintendents to give him information, in respect to both the sonable request. I have an opinion on the rights of the lessees of the Church which differs from that which has been expressed by the hon. and learned Member for Cockermouth, and also from that which on a former occasion was expressed by the right hon. Baronet the Member for Pembroke. I maintain, that the lessees have no right to expect renewals of their leases, and that Parliament is not bound to assert any right for them. I am, notwithstanding, quite clear that there could not be a more important or difficult question, and therefore I repeat, that the proposal of postponement is moderate and fair.

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> "Have you employed Mr. Beal (one of his superintendents) in any other capacity than as a superintendent of factories?"

To which he received this curious answer:—

> "I object to that question. This inquiry is limited to the operation of the Factory Act."

The room was cleared, and after considerable discussion, Mr. Stuart was recalled, and informed by the Chairman that he should answer the question. The examination proceeded, and to question 8,213, Mr. Stuart said, that:—

> "He had required his superintendents to give him information, in respect to both the

distress of the manufacturing districts, and the state of political feeling"

And he repeated this in his answer to question 8,227. But, in answer to question 8,235, he said:—

> "I have never asked for information from the superintendents, except by direction from the Secretary of State. I have never done it on my own account."

Then this question was put:—

> "Can you furnish the instructions which you received from Government by to-morrow?"

To which he answered:—

> "My impression is, they are not in existence. The instructions I got from Government, I am quite sure I have not. My recollection is, that they were entirely verbal, or if they were given to the inspectors, they were given to all the inspectors at once, and, therefore, could not be with me."

Here, then, according to the evidence of this gentleman, the Government and the inspectors, and the superintendents of factories, were all mixed up in this affair. These questions were also put to Mr. Stuart, and these answers made by him:—

> "What was the nature of the instructions you gave to your superintendents?—To obtain information respecting certain places which I pointed out."
>
> "What sort of information?—Respecting the state of political feeling, and respecting the manufacturing districts as to trade.
>
> "Did you ask them to mix themselves up with public meetings?—No, certainly not; I gave no particular instructions, so far as I remember; I think so."

Then Mr. Maule put this question:—

> "Were you ever told or instructed by the Government to desire your superintendents to attend at public meetings, and to give your report of the public speeches, or watch the conduct of private individuals?—No, I do not think that we have a communication of that sort; it is possible I may have said, when Feargus O'Connor was once at Dundee: it is possible I might say, 'Let me know what he says,' but I do not recollect having done so; yet in letters written in that way, it is quite a possible case, though I cannot speak positively."

At the time these proceedings were going on in the committee he (Mr. Fielden) had in his possession a copy of a letter of instructions from a factory inspector to one of his superintendents, and he, therefore, desired that Mr. Beal, a superintendent under Mr. Stuart, might be recalled, that he might examine him as to whether he had received any instructions to employ himself in any other capacity than that of inspecting factories. This letter he would now, with permission, read to the House:—

> "Dear Sir,—I have to acquaint you, for your own information alone, that I am especially instructed to watch and take measures for obtaining information as to any proceedings in any district relative to assemblages of workpeople, or Chartists, or circumstances calculated to disturb the public peace. You will, therefore, be so good as to make me weekly a confidential report on this subject. The newspapers from different parts of your district will generally point out to you any places requiring particularly to be noticed, but take care at Dundee and elsewhere to act with secresy and prudence, so that you may escape observation, and not be suspected of giving information. I am, dear Sir, yours truly, James Stuart."

This letter is dated from 345 Strand, London, 30th July, 1839, marked "confidential," and addressed to "John Beal, Esq., superintendent of Factories." This letter required no comment. It spoke for itself. The writer, a superior officer, appointed under the sign manual of the Crown, said he had been especially instructed to watch and take measures for obtaining information as to any proceedings relative to assemblages of work-people or Chartists. And he directs his subordinates to make him weekly a confidential report on this subject; points out how he is to have information where to go; and enjoins him to act with secresy and prudence, so that he may escape observation, and not be suspected of giving information. In fact, the instructions are as complete as could be given to the party to act as spies. Now the evidence of Mr. Stuart, which he had read to the House, and the information contained in this letter, justified him in recalling Mr. Beal, who came to the committee the morning following, and to whom I put this question:—

> "Mr. Stuart has stated that he gave his superintendent instructions to make reports to him on other matter than the inspection of factories; did you receive communications from him to such an effect?—Yes.
>
> "How many such communications did you receive?—I received the first quite unconnected with any other subject; but there were observations relative to the same matter in future letters connected with the Factory Act. I do not know how many; I cannot say the number."

Then the hon. Gentleman, Mr. Maule, put this question :—

> "Were those communications of a public or a private character? — Private, confidential. The first letter was marked 'Confidential.'"

The room was cleared, a long discussion ensued, and among others this resolution was passed :—

> "That it is the opinion of this committee that the employment of the inspectors and superintendents of mills and factories in the discharge of duties under confidential instructions, such as those stated in the latter part of the examination of Mr. Stuart and Mr. Beal, ought to be brought before the House of Commons as a distinct question, and, therefore, that it is not expedient that the committee should now make further inquiry upon that subject."

What he had now stated to the House appeared to him to show most clearly, that an odious system of spying had been resorted to by the Government and he charged the Ministers with having employed men, appointed under an Act of Parliament to carry into execution an act intended to benefit children and young persons, with having misapplied the funds voted by Parliament to pay these men, and with having employed them in a pursuit that they themselves must consider odious and degrading. It was assigning new duties to them, of which the Parliament knew nothing, and therefore employing the money voted by Parliament for a purpose altogether different from that for which it was voted. He, therefore, demanded inquiry as to what extent these inspectors of factories had been employed in the capacity he had mentioned. He had not forgotten the observations made by the hon. Gentleman, the Under-secretary of State, on the motion of want of confidence of the hon. Member for Devonshire, when the hon. Secretary boasted that the Government had not had recourse to such "unholy proceedings" (as he properly termed them) as the Government of 1817, who had employed spies. But how did the House know that, seeing that the disclosure which he (Mr. Fielden) had made to the House was brought forward in the factory committee. There was but a small step between being employed as Mr. Stuart and Mr. Beal were employed, and that of becoming instigators to the acts which they were employed to denounce to the Government. How did the House know either, seeing that they had been so employed, that Poor-law Commissioners, police, and all who were in direct communication with the Government, and the officers under them, had not been similarly employed? He believed they had; he had no doubt that the Todmorden riots were caused by some such emissaries. The Government system of centralization naturally led to this, and to an establishing of a system of spying throughout the country. It was the very thing which should excite the watchfulness and jealousy of the country, and especially of those who returned Members to that House. He knew, and the committee, he was sure, would bear him out in saying, that the Factory Act had not been carried out in Scotland. The powers possessed by the inspectors under it had been used for purposes of oppression, and their time, for anything that he knew, might have been wholly taken up in this degrading occupation, instead of attending to their duties, and to ascertain to what extent the time of those authorized to inspect factories had been employed in the manner he had described. He asked the House to grant him a committee to inquire, and he trusted that they would accede to his request.

Mr. *F Maule* would admit the charge was one of a very grave nature, if such proof had been adduced in support of it as would warrant the House in entertaining it. But, on the showing of the hon. Member himself, all the proof which he had consisted in whispered rumours in the House of Commons, and in a letter which the hon. Gentleman had admitted was private and confidential, and intended only to meet the eye of the factory inspector. How that letter came into the hand of the hon. Gentleman he did not know. It was obtained either from the person to whom it was addressed — a breach of confidence which he was satisfied the House would not countenance— or it was acquired in some other way; and if so, he would much rather that the hon. Gentleman should use it on this occasion than that he should. He would, however, explain the facts with respect to it. The House was aware of the duties of factory inspectors, and would see that it was their charge to acquire information with respect to the condition and the habits of the working classes, not for the purpose imputed by the hon. Gentleman, but for the purpose of informing the Government as to their state and condition. This was the object of these instructions, not, as had been hinted, as political spies to denounce the people, but to furnish that information which every Government ought to possess as to the distress or the prosperity of the people, and to state their condition under every vicissitude. To acquire accurate information as to the condition of the great mass of the people ought not to be a matter of indifference to any government. Instructions were given from time to time to have information given upon these points, as well as upon the nature of the harvest at its conclusion, as well as upon other matters connected with the welfare of the people. It was intimated by the hon. Gentleman, but he was sure that no other Gentleman in the House would entertain the supposition, that the superintendents of factories had been employed to act in the degrading capacity of political spies; but the House need not be astonished, for there were instances to show that the hon. Gentleman's dislike of those officers was such, that he did not hesitate to broach any calumny against them, however injurious. Unfortunately for the argument of the hon. Gentleman, he had selected Scotland as the place in which to lay his charge. Now, of all the Chartist meetings which had taken place, those which had taken place in Scotland were most free from any charge of illegal acts. No prosecutions had taken place in that country, for the operatives there were too shrewd and too prudent to listen to the suggestions of misleading demagogues. The Lord Advocate had in no one instance been called upon to restrain illegal meetings or institute prosecutions. It was true that Mr. O'Connor had gone into Scotland, and it was possible that Mr. Stuart might have written to the superintendent to say that there was to be a meeting at Dundee, at which Mr. O'Connor proposed to attend, and perhaps requested to know the particulars; but could anything be more fair than that Government should from time to time endeavour to get acquainted with the general state of the country? If so, the objection of the hon. Member for Oldham would hold good against any Government. On the same principle a general ought not to endeavour to acquire information from a subordinate officer, nor the magistrates assembled in petty session from those under their authority. In short, no information from the different branches should be sent up to the head department. It was easy to cast aspersions, but it was not so easy to remove them, and the hon. Gentleman had much to answer for, if he should unfortunately produce such an impression upon the public mind, by branding these officers as political spies, as that any insult should be offered to them, of whom he would unhesitatingly affirm that they not only had not received the directions alleged, but that if they had, they would far sooner resign than consent to carry them into effect. With regard to the statement of the hon. and gallant Gentleman that convictions of Chartists had been obtained by means of spies, he could only say that those convictions had been obtained in open court, and upon the evidence of persons whose names were before the public, and who had not up to the present moment, been accused or suspected of being spies. Those who showed their friendship for the people by attempting to lead them to such a belief were far from being their real friends. He should like to ask the hon. Member for Oldham whether the Government which endeavoured to prevent the operative classes of the country from being led away by foolish or designing men, did not better deserve to be called their Friends than those who, having the operative classes more immediately under their control, and taking offence at some law of the land which did not suit their fancy or their purpose, upon that law being brought into operation, in the neighbourhood in which they resided, instead of protecting the working classes, and allowing them to continue quietly at their daily employment, shut up their mills for the purpose of opposing the law. He thought the preventive policy the best—that policy which induced those in authority to study beforehand the feelings of the working classes, in order that they might meet their distresses; that they might allay their passions when they saw them excited by others, and that they might timely recall them to their duty when straying from the path which the law and the love of order ought naturally to point out. Considering the manner in which evidence was taken before those committees, that parties were not examined upon oath, and might put on record what they chose, he could not think that any such committee would be conducive to the well-working of the Factory Act, or to the interests of the operative classes generally. He should therefore oppose the motion of the hon. Member, convinced that the public would feel that the charges which the hon. Member had made against thos gentlemen in their official capacity were not well founded, and that they would believe with him that those gentlemen had never shown anything but the sincerest consideration and desire for the prosperity of those classes amongst whom the greater part of their time was spent.

Mr. *D'Israeli* said, that the hon. Gentleman who had just resumed his seat, in speaking of confidential communications, had confessed that those gentlemen were not merely missionaries of humanity; that they had some duties to perform which were not known to the House of Commons, and for which they were not paid by the public votes of a popular assembly; that they had to make reports to a minister, and that they had to communicate with Downing-street. The hon. Gentleman had also accurately defined for them the nature of such communications. Those gentlemen, he said, had to report as to the state of the working classes 'in their prosperity, and even in their adversity. They had also to report as to the state of the harvest; and it appeared that one of those confidential circulars, anticipating, perhaps, the doubtful issue of the harvest, which was interesting to all, had, by means the most mysterious, and in a manner which had provoked the indignation of the hon. Under Secretary of State, fallen into the hands of the hon. Gentleman the Member for Oldham. It would, therefore, be curious to remark the manner in which these communications were made to the Government, especially when the state of the harvest was doubtful, and its results problematical. Observe:—

> "I have to acquaint you, for your own information alone, that I am especially instructed to watch and take measures for obtaining information (not as to the harvest, but) as to any proceedings in any district relative to assemblages of work-people, or Chartists, or circumstances calculated to disturb the public peace, &c.

Here was a letter respecting the "condition of the people not only in prosperity but also in adversity, and especially as to the state of the harvest." The hon. the Under Secretary of State, who seemed so proud to admit that a paternal government like the present gave instruction to agents to furnish them with information in this spirit, was to an equal extent indignant that the letter he had read should have found its way into the hands of the hon. Member for Oldham, and also that the hon. Member should have made use of that letter which only concerned the "condition of the people in their prosperity as well as adversity, and which particularly related to the state of the harvest." They had seen year after year a portion of those men who had flourished during the passing of the Reform Bill vanish from their relation to what was called a Liberal Government. Last year they had a civil war, or at least a '*quasi* civil war, announced in England. The then Secretary of State for the Home Department acknowledged that there was a domestic insurrection in the country. Twelve months had elapsed, and they now fixed the Government with the employment of spies. It might be thought to be the duty of the Government in troubled times to have recourse to spies; they might be told that the party who filled the Opposition benches in that House had had recourse to spies; perhaps, there was no Government, which in turbulent times, might not feel itself warranted in employing spies, but assuredly there never was a Government before who, having employed spies and being detected, told the House and the country that they had merely ordered a circular to be written respecting the "condition of the people, not only in prosperity but adversity, and especially as regarded the harvest." Such monstrous and pharisaical hypocrisy need only be noticed in order to be exposed. He very much doubted whether the liberal constituencies of the country, if answered by their representatives on the subject of this letter respecting the state of the harvest, in the terms of the Downing-street explanation, would be likely to agree with them in their solution of the mysterious epistle. The hon. Under Secretary of State, in favouring them with those loose declarations which hon. Under Secretaries attempted at the end of the Session to soothe the fears of their party, had drawn a picturesque contrast between those who endeavoured to prevent the people from going astray, and those who by their speeches at public meetings, stimulate them to acts of outrage and disorder. He did not know if the hon. Under Secretary, in referring to speeches of that character made at public meetings, particularly alluded to the speeches of wandering Ministers of state, containing their constitutional congratulations to the people, that torch-light meetings could be held in the country; but he concluded that those must be the speeches to which the hon. Gentleman referred, for they were immediately followed by an insurrection. The hon. Under Secretary, however, quietly escaping from the allusion which was of too delicate a nature to dwell upon, cast a rapid glance to the benches behind him, and finding that the hon. and learned Member for Dublin was not in his place, again referred to the example of those who stimulated the passions of the people in order to fill their own pockets. Had the hon. Under Secretary forgotten the quack advertisement of political empirics —the announcement of "1,000,000 of heads, at a shilling a head, and national emancipation, one million of shillings and a repeal of the union?" Oh, no; but those unhappy individuals who edited miserable newspapers, who committed the heinous crime of sedition, and who, immured in a dungeon, communicated by petition and memorial with the hon. Under Secretary of State for the Home Department—these poor devils were lectured, and held up to public reprobation by Ministers, who, being themselves the children and the champions of sedition, dared to speak thus to the House of Commons. He would ask the hon. Under Secretary if the Government were in the habit of receiving from Poor-law Commissioners, there being no Factory Commissioners in Ireland—[Mr. *F. Maule:* There are.]—of receiving, then, from those commissioners reports upon the "condition of the people in their adversity as well as prosperity, and especially upon the state of the harvest?" If so, the people of England would have cause to rejoice, being anxious that justice should be done to both countries, and that they should be placed upon a footing of equal rights. it would be extremely satisfactory to the people of England to know whether the Government were equally desirous that the state of the harvest in Ireland should be examined in all its ramifications with the same degree of attention and minuteness as in this part of the empire. As Parliament was now about to be prorogued, he thought that Members could return to their constituents with a better grace, and with more confidence in their exertions, after having established a committee of inquiry into matters of such general importance. Under these circumstances, he hoped the House would agree to the motion of the hon. Member for Oldham. The state of the harvest being, at this particular period, the month of July, a subject of great interest, he could scarcely believe that the noble Lord, the leader of the Government, would oppose such a motion.

Lord *Ashley* said, that during the many years he had acted upon this question with the hon. Member for Oldham, he had never had occasion to differ from him until the present moment, when he did so with regret. He thought that the hon. Member had not taken that course which was best calculated to carry out the object he had in view, namely, the efficient operation of the Factory Act. He had seen nothing in the committee which had sat upon this subject to excite suspicion that there was any thing wrong in the conduct of the inspectors, or of the Government who had given the instructions. Entertaining the opinion that the examination of the inspectors before the committee ought not to be proceeded with—that the confidential servants of the Crown should not be brought before a committee of inquiry, for the purpose of getting them to state on cross-examination that which had been confided to them by their employers, he suggested that the room should be cleared for deliberation. It was, however, determined that the examination should be continued, the result of which was before them. He could not but regret that the hon. Member for Oldham had made use of such harsh language towards those Gentlemen. The hon. Member, no doubt, felt strongly upon the subject, and on that ground allowance ought, perhaps, to be made; but when he made use of the words "political spies," he was prejudging the whole question. There was nothing in evidence to show that those officers had acted as spies. They had assumed no disguise. They had not got into the confidence of those who were to address the meetings which they were directed to notice. Nothing of that kind had been done, and he was therefore most anxious that the country should believe so, because otherwise the operation of this act which he had at heart, and to which he had devoted so many years of his life, would become null and void in the country. The inspectors would be hunted like mad dogs wherever they made their appearance; for he had authority for stating, that if there was one term more odious than another in the eyes of the people, it was that of "political spies." He was therefore extremely glad, that the matter had been brought before the House of Commons, and that an explanation of it had been given by the hon. Gentleman the Under-Secretary of State. He sincerely hoped, that the hon. Member for Oldham would be satisfied with that explanation, and not push the question any further. Fully and solemnly convinced, that if the impression were to go forth through the country that the factory inspectors were political spies or agents, they might as well at once wipe out all legislation on the subject, he again called upon the hon. Member to proceed no further.

Mr. *Hindley* agreed with the hon. Member for Oldham in many of his opinions respecting the Factory Bill and central organization; but, at the same time, he must say, he thought the hon. Member had not acted judiciously in bringing the question before the House. He would ask the hon. Member whether the Government should not obtain information either with respect to the harvest, or the state of the working classes, their prejudices, feelings, and general condition? It could not be denied that it was their duty. When the hon. Member sat on the Poor-law Committee, he felt it his duty to send persons to investigate the condition of the poor in Bedfordshire. These might be called Poor-law spies. Now, he would ask, did the Government send persons on purpose to all the northern districts to attend public meetings, and report their opinions? What would be the effect? Why, those people, being paid servants, would feel themselves bound to give their employers a *quid pro quo*, and would feel it their duty to tell the Government that speeches of an illegal nature had been uttered, whether such speeches had been uttered or no. The inspectors or superintendents of factories might be considered as the guardians of the poor people in those districts, and if the Government made any inquiries into the condition of the poor, they were certainly the best channels through which they could be made. He hoped his hon. Friend would withdraw his motion, but if he pressed it, he would suggest to him the propriety of making it more extensive, and extending it to magistrates and Poor-law commissioners, as well as to factory inspectors.

Mr. *M. Phillips* hoped his hon. Friend would withdraw his motion. If he thought that the Government had descended to such meanness as to send political spies among the people for the purpose of goading them into a violation of the law, he should not support them. He was confident the Government would not attempt to obtain information in an improper way; he entirely acquitted them of any intention of employing any parties as spies. He was surprised at the course pursued by the hon. Member for Maidstone; only a few evenings since, in the debate on Dr. Bowring's reports, that hon. Member had stated, that it was the duty of the Government to obtain all such information as that obtained by Dr. Bowring from the Consuls, and now he blamed them for obtaining information from the factory inspectors, instead of sending persons specially for the purpose of obtaining it. He agreed with the noble Lord opposite, that if they wished to injure the operation of the Factory Act he knew no more effectual mode of doing it than by throwing out imputations of that kind on those who were appointed to carry that Act into effect. He wished to see that Act carried out fully and fairly, and not got rid of by a side wind; but, if these imputations were to be cast upon the inspectors, he agreed with the noble Lord, that it would be better to abrogate the law at once.

Mr. *Hume* thought that the bringing forward this question was likely to injure the operation of the Factory Act, but as the question had been brought forward something more must be afforded in the way of explanation. If there was anything likely to do mischief to the factory inspectors it was the leaving them exposed to suspicion. They had been appointed to superintend the operation of the Factory Act, and so cautious had been the Legislature on this subject, that the instructions to the factory commissioners were the only instructions to any commissioners which had been directed to be laid before Parliament. He wished his hon. Friend had been able to deny that the letter which had been read was a genuine letter; but here was a letter from a factory officer in London to another in the country, marked confidential, and asking for secret communications, not regarding the factory children, but regarding the state of the people, and their public meetings. [An *hon. Member:* And why not?] Because it was no part of his duty. It created a suspicion that these persons were in the habit of meddling with what did not belong to their department. He asked his hon. Friend for further disclosures. Was that a solitary letter written incautiously, or were similar instructions sent to all the factory inspectors? If it were a mere casual letter, although he might regret that such a letter should have been written incautiously, yet he should consider it as a matter of no moment. But Government had no right to employ the factory commissioners to interfere in the public political meetings of the people. They had ample means of obtaining any information they might require on such subjects from the magistrates and the police; and had such a letter been written to them, he should have considered that the Government had been only doing their duty.

Sir *R. Peel* said, that any one who had ever been under the responsibility of maintaining the public peace—any one who had ever held an office the duties of which were in any manner connected with the preservation of the public tranquillity, would readily make great allowances for those exertions which her Majesty's Government might feel called upon to take for the purpose of preventing the grievous calamities which must arise if there were a total absence of information as to the designs of the disaffected or the feelings generally of the great bulk of the people. Both in this country and in Ireland he had been for a considerable time responsible for the state of the public peace, and he had found it absolutely necessary to use those which he trusted were legitimate means for obtaining the information which was necessary to an efficient and satisfactory discharge of the duties which he had undertaken to perform. In times of great excitement and of great distress, when agitation and poverty stimulated men to the commission of acts which their calmer reason must disapprove, it became a matter of expediency that the Government should resort to means of obtaining information, without which the public service could not be carried on. Recently, at Bristol, at Nottingham, and at Newport, there were ample warnings as to the danger with which the public peace was then threatened. Had there been no such warnings, the danger to the public peace might have been infinitely greater. Perhaps, in such cases, no precautions would have been sufficient, but no man could think of saying that it would be better to be without full information than to be in possession of it, and no man could estimate the number of human lives that might be saved, or the amount of human suffering that might be prevented, if due precautions were in every case taken. He did not hesitate to acknowledge, that if he were Secretary of State he would endeavour to obtain information respecting the condition of the public mind, and respecting any facts calculated to aid the Government in forming a judgment with respect to any danger that might threaten the public tranquillity. He knew, that if he failed in preserving the public peace, and that any serious calamity occurred, those who were now the loudest in censuring the ordinary means of acquiring information would then be the loudest in condemning the negligence by which the safety of the State would be endangered. These considerations only tended to convince him how exceedingly similar, in this respect, all Governments were—they all procured information alike, and by pretty nearly the same means. Of the letter to which reference had been so frequently made he did not himself complain. The letter directed that the person to whom it was written should take measures to procure information relative to any meetings of working people, or any proceedings of Chartists, or any other occurrences in the district to which he belonged, that might be thought likely to disturb the public tranquillity. It might be a question whether the person to whom this letter had been addressed was the properest person to be employed for such a purpose; as a matter of prudence, it might be thought that the information in question could more readily and more advantageously be obtained by other means. His doubt was not as to the necessity of obtaining the information, but whether the instrument by which it had been acquired was well chosen. What did this letter desire should be done? It desired the person to whom it was addressed to go about amongst the people, and obtain all the information which he could as to what was passing amongst the people. But there was no suggestion to mix amongst the people, or to stimulate them to engage in illegal proceedings for the purpose of getting information to be afterwards used by the Government. It was impossible to suppose that the letter was intended to effect anything so foolish—anything so abominable; and when the hon. Member for Manchester told the House that the present Government were incapable of anything of the sort, he would take upon himself to tell the hon. Member, that the Governments which preceded them in office were equally incapable of such conduct. He would assert, that the Governments of Lord Castlereagh and Lord Sidmouth had never employed persons for any such purposes. As regarded the motion for a committee then before the House, he conceived that nothing could be more foolish than to agree to a motion of the kind; the appointment of a committee with a view to any such investigation could not fail to have the effect of weakening the influence of such inquiries; but if an inquiry of that nature were to be instituted, he begged to say, that the party with whom he was in the habit of acting, dreaded it as little as those who sat upon the opposite benches. He hoped, then, if hereafter he should be found pursuing the course which her Majesty's Government had in the present case adopted, that their conduct towards him would, in such an event, be the same as his towards them had now been, and that they would admit the necessity of affording to the people of England that protection which law and government ought to afford in every civilised society.

Lord *John Russell* had not intended to take part in this debate, but that he found the right hon. Gentleman confounded two things that were essentially different; and he himself must say, he had always endeavoured to make a distinction between them. The hon. Gentleman, the Member for Manchester, had, he believed, hardly expressed his meaning correctly, when he said he was sure that this Government would not endeavour to goad the people, or to excite them to insurrection. He believed that no Government would make such an attempt. But then, with regard to the prudence to be exercised as to the means to obtain information, he thought a very different course had been pursued. The hon. Member who had brought forward this motion confounded the two. That hon. Gentleman always used the term "political spies" as to persons not belonging to the party, for whom he was interested—it was applied to those who did not at once agree to the opinions they had expressed, and who did not yield to that system of terror that it had been endeavoured to enforce in this country. Any person going to a public meeting which was called by public advertisement—any person listening there, and who did not assent to the opinions expressed, and who then, if called upon, gave information before a magistrate, that man was called a political spy. A man going along a road, and seeing a meeting of persons having arms, and likely to commit violence—a person thus placed, and stating what he had seen, was also called a political spy. Any person disposed under such circumstances to give information to the lawful authorities, had this odious name given for the purpose of deterring him from giving information. In the present case, all they knew was, that a person desired to have general information given to him with regard to the state of the country. Mr. Stuart's instructions were confidential. He must say, that he thought this mode adopted by Mr. Stuart was a perfectly legitimate mode of obtaining information and it served to correct any errors that might be made in communications derived from other quarters. The Secretary of State was not generally in want of information. The difficulty was to know whether it were correct. Letters, perhaps, were received from a distance, saying that there had been a formidable meeting—an assemblage of 20,000 persons—and that the appearance of the meeting was of a most threatening character, whereas perhaps a person residing near the spot, of sound judgment and good practical information would inform the Government that the assemblage was of a trifling and insignificant nature, consisting perhaps of only a few hundred boys, and that it was not worthy of serious attention. The inspectors and superintendents of factories being persons resident in the great manufacturing towns, and well acquainted with the character and habits of the population, were the persons best calculated to form a correct opinion of what was going on. With respect to police, in most of the counties there was no force of that description from which any information could be derived. The Lords-lieutenant and magistrates no doubt were in the habit of communicating with the Secretary of State; and, for aught he knew, the hon. Member for Oldham, in his next motion, might apply to them the epithet of political spies. But there was another kind of information which was not obtained with any view of goading persons into designs hostile to the institutions of the country: and although it might be necessary in times of very great peril to obtain such information, still he thought that it ought not to be resorted to except in cases of the very strongest necessity, seeing that it was calculated to produce very lamentable events—he alluded to such means as were employed in 1817. At that time there were persons having no official character, not being magistrates, nor police, nor persons notoriously vested with public authority, nor openly employed in supporting the law, who were supposed by those who were combined together for seditious and unlawful purposes, to be their friends and confederates. These persons were paid out of the fund at the disposal of the Secretary of State, and were employed to give him constant information of what was going on. Now the danger of employing persons of this description was very great. They were generally men of the worst character, men who, in the first place, were ready to engage in any wild or rash plot to overthrow the authority of the law, and who having so engaged were not less ready for a sum of money to betray and even hang their associates. Such men were very dangerous instruments to employ; because it too frequently happened that persons of that kind, instead of confining themselves to what the Government and the Secretary of State wished them to do, namely, to report faithfully what was doing at the meeting at which the people assembled—they often endeavoured to instigate the very crimes it was wished to prevent, and, for the sake of receiving a greater reward, would try to drive the people into more dangerous courses than they would otherwise be inclined to pursue. There was an instance of this kind in 1817. It came out on some of the trials on that occasion that one or two of the persons employed as political spies (and to them the character of political spies truly applied) had told the persons in custody that there was every chance of a successful resistance to the law; that they knew that there were in other parts of the country 20,000 or 30,000 men ready to rise to support the insurrection, and that it needed only a bold stroke to overthrow the Government, and establish a new order of things. Thus the misguided men, who subsequently became amenable to the laws, were instigated to dangerous and illegal courses, which they would not otherwise have pursued. This was the danger of employing what were properly called political spies. He did not say that such an instrument might not be employed by a Government in cases of great necessity and peril; but as a general system it was one that could not be too strongly reprobated by Parliament. He certainly joined with those who condemned it in 1817, considering that it had then led to scenes of violence and outrage which would not otherwise have arisen. He thought that there was a great distinction between employing such instruments and saying to a person in a public office, or holding an official situation, "Do you tell the Government anything you hear as to the general state of the country—do you give information to the Secretary of State whether there are large public meetings in your neighbourhood—whether those meetings threaten the public peace—whether the general disposition is one likely to lead to outrage and the suspension of trade and business—whether it seems probable that a large force may be required to secure the peace of the district: in short, do you inform the Government of all the facts that come under your notice." There was a vast distinction to be drawn between such a course of proceeding and that other course which led the Secretary of State to say to a person in a low station in life, "You are engaged with these men—you are a confederate in this seditious combination—you belong to these illegal clubs or societies—you shall obtain a large reward if you will go into those clubs—if you will remain a member of them, and from time to time give information to the Government of all that takes place amongst its members." The hon. Member for Kilkenny had requested to be informed what the course taken by the Government in the present instance really was. It was no other than this: that the inspectors of factories, and the generals, and other officers of the army serving in the feverish districts, were told, in most instances verbally, "This is a time when there appears to be a great deal of disturbance; any information which may enable the Government to know the extent of the danger, and to meet it in the way that may be most conducive to the preservation of the public peace, will be acceptable to them." This was the course that had been pursued; but he could not agree with the right hon. Baronet that the steps taken by every government under similar circumstances had been exactly the same. He never thought that any government, either that with which the right hon. Baronet was connected, or with which Lord Castlereagh or Lord Sidmouth were associated, ever entertained the wish or the project of urging the people to the commission of illegal acts, or to a participation in scenes of riot and insurrection; but he could not help thinking that, in the employment of their means, they did at one time act with very great imprudence, and that in more than one instance they were the cause of encouraging rather than repressing the crimes which it was their object to prevent.

Sir *R. Peel* said, the case which he had particularly in his mind was one to which the noble Lord had not referred. This was the way in which the case was generally found—One of the parties belonging to the confederacy gave notice to the Government that he was aware of what was passing. Let him take the case of Thistlewood. In that case the information was conveyed to the Government by a party to the conspiracy. What course was the Government to take in such a case? Were they to say to the party "Break off your connexion with that conspiracy?" or, were they to say, "or remain a party to the confederacy—don't excite them, but give us notice of the day on which the intended transaction is to take place." He knew that that led to the risk of the party taking a course which they did not mean he should take, of holding language to incite his confederates, and he admitted that the greatest precaution was necessary; but cases would occur in which the Government could not well refuse to receive information from persons who were connected with a conspiracy.

Mr. *Wakley* said, the safety of society required that means should be taken to collect information, but then it should not be of a vicious and suspicious character—in fact, that those means should not be pregnant with the sources of that very mischief which it was the object of the Government to prevent. He was surprised to hear the arguments of the right hon. Baronet and the noble Lord, but more particularly those of the former. In the first place the right hon. Baronet did not seem to consider that the character of a spy was so unpopular at the present time as at a former period.

Sir *R. Peel* said, that what he had stated was, that obtaining information as to the intentions of disaffected men was not now so unpopular with the hon. Gentleman's Friends as it formerly was.

Mr. *Wakley* was glad to hear so, because it showed that he and his friends had no bad intention. He believed that the character of a spy was just as odious in this country at the present day as it ever was. He did not believe that in society there could exist a more worthless, odious ruffian, than that man who went into the society of his fellow men, and whilst he assumed one character acted under another; and he trusted in a country like this, it was a character the odium of which would never be lessened by any sophistry which might be employed in its defence. In this case the Government had employed means of obtaining information, and the question to be determined was, whether those means were justifiable or not? He had yet to learn that when a person was employed by the Government with the public money in his pocket, avowedly to perform certain functions, that at the same time, under the disguise of that character, he was to perform functions of a totally different nature. He did not believe that the noble Lord, in giving the instructions to the inspectors of factories, was actuated by any improper motive, his whole conduct showed the contrary. But was it discreet to employ those persons. The noble Lord and the right hon. Baronet had given them an outline of the manner in which spies exercised their functions. And how was it done? By worming themselves into the confidence of men whom it was their object first to excite and afterwards to betray. The noble Lord first gave his instructions to the inspector, saying—"Strange things are passing in the country. You have an opportunity of observing those things, and you are to give us all the information you can obtain on the subject." The inspector then spoke to the superintendents, saying, "If you go to a certain part of the country, you will find there a number of designing men who intend to overturn the Government. You are to watch them, and to give me an account of their proceedings." What did the superintendent do? He was known to the persons in the district; he could not go into the political societies or debating clubs, and so he employed his agents. And then back came those reporters, and he (Mr. Wakley) would say, that those persons were the real spies, and that such means of obtaining information created the very mischief it was intended to prevent. The real spy, thinking he might get a little money by it, incited others to certain acts; and when he had got his dupes into his net, he went back to the superintendent, who stated it to the inspector, and the inspector to the Secretary of State, and the Secretary of State then sent down his police to apprehend those men who were betrayed by the very parties whom the Government had employed. Was it not alleged at the time of the Thistlewood conspiracy, that Oliver and Edmonds were parties concerned in getting up that conspiracy? He believed it originated in that manner; and he must say, that if the Government were to employ official persons in that way, the means they employed were not the best, and that it would be dangerous to society. The employment of the inspectors in such duty was not consistent with propriety, nor would it be justified by the public.

Mr. *Brotherton* agreed with the hon. Member for Finsbury, that no character could be more odious than that of a political spy, but he thought that no grounds had been laid for applying that name to the inspectors of factories for the manner in which they had acted under the instructions given to them by the Government. Therefore, if the hon. Member for Oldham pressed his motion to a division, he should certainly vote against him.

Mr. *Muntz* did not rise to take part in this debate because he was the representative of one of those large constituencies to which the hon. Member for Maidstone had referred, but to request his hon. Friend the Member for Oldham to withdraw his motion. He agreed with the hon. Member for Salford in thinking that no grounds had been laid for it. Every Government must have information. If he (Mr. Muntz) were in the Government, he would take care to have information from all quarters of everything that was passing. Some years ago, when he took a more prominent part in political agitation, he was aware that the right hon. Baronet opposite (Sir R. Peel) knew perfectly everything that was done; and he thought that the right hon. Baronet was right to get that information. No man could feel greater indignation than he did at such spies as were employed in 1817, but he did not think that the present Government had employed any agents of that kind. He trusted that his hon. Friend would consent to withdraw the motion.

Mr. *Ewart* thought it most unfortunate that the inspectors and superintendents of factories should have been employed upon a service which was calculated to make them odious in the estimation of the people, and thereby greatly to impair the efficacy of their services in the employment which legitimately belonged to them.

Mr. *Slaney* said, the Government ought to obtain information as to the state of the working classes. That could not be denied. Well then, to whom were they to apply? The hon. Gentleman would not be satisfied if they sought it from the local magistracy or from the clergy. The object was to obtain a knowledge of the distress which was alleged to prevail amongst the working classes, and he thought the best agents that could be obtained at present had been employed, although perhaps a better channel through which to get information might have been provided. He recommended the hon. Gentleman to withdraw his amendment.

The House divided on the question that the Order of the Day be read:—Ayes 113; Noes 11: Majority 102.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Ashley, Lord
Baines, E.
Baring, rt. hn. F. T.
Berkeley, hon. H.
Bernal, R.
Blackburne, I.
Blair, J.
Bowes, J.
Bramston, T. W.
Bridgeman, H.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Buller, E.
Campbell, Sir J.
Clay, W.
Clerk, Sir G.
Damer, hon. D.
Darby, G.
D'Eyncourt, rt. hon. C. T.
Dottin, A. R.
Douglas, Sir C. E.
Duke, Sir J.
Dunbar, G.
Easthope, J.
Egerton, Sir P.

Elliot, hon. J. E.
Ellis, J.
Estcourt, T.
Ferguson, Sir R. A.
Gordon, R.
Gordon, hon. Captain
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Grimsditch, T.
Harcourt, G. G.
Hawes, B.
Hobhouse, rt.hn.SirJ.
Hobhouse, T. B.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Hoskins, K.
Hughes, W. B.
Hurt, F.
Hutt, W.
Ingestrie, Viscount
James, W.
Jones, Captain
Labouchere, rt. hn.H.
Loch, J.
Lockhart, A. M.
Macaulay, rt. hn.T.B.
Martin, J.
Melgund, Viscount
Mildmay, P. St. J.
Miles, W.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Muskett, G. A.
Norreys, Sir D. J.
O'Ferrall, R. M.
Paget, F.
Palmerston, Viscount
Parker, J.
Pechell, Captain
Peel, rt. hn. Sir R.
Pendarves, E. W. W.
Perceval, Colonel
Philips, M.
Phillpotts, J.
Praed, W. T.
Pryme, G.
Pryse, P.
Pusey, P.
Rawdon, Col. J. D.
Rice, E. R.
Roche, W.
Russell, Lord J.
Rutherfurd, rt. hn. A
Salwey, Colonel
Sandon, Viscount
Seymour, Lord
Sheil, rt. hon. R. L.
Sibthorp, Colonel
Slaney, R. A.
Smith, R. V.
Somers, J. P.
Stanley, hon. W. O.
Steuart, R.
Stock, Dr.
Style, Sir C.
Thompson, Alderman
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Tyrrell, Sir J. T.
Vigors, N. A.
Warburton, H.
Ward, H. G.
Wilshere, W.
Wood, G. W.
Wood, B.
Wrightson, W. B.
Wyse, T.
Young, J.

TELLERS.
Maule, hon. F.
Stanley, E. J.

List of the NOES.

Aglionby, H. A.
Attwood, W.
Boldero, H. G.
Duncombe, T.
Hindley, C.
Hume, J.
Johnson, General
Parker, R. T.
Wakley, T.
Williams, W.
Wyndham, W.

TELLERS.
Feilden, J.
D'Israeli, B.

Order of the Day and Committee of Supply postponed.

POOR-LAW COMMISSION.] Lord John Russell moved the third reading of this bill.

Mr. *W. Attwood* objected to proceeding with it at that late hour of the night.

Lord *John Russell* thought that the House was generally of opinion that the bill ought to pass, and he knew no reason why they should refuse to proceed with it.

Mr. *Hume* said, that in a former discussion on this bill, he had objected to the number of the poor-law assistant commissioners; and as the noble Lord had assured him that they would be dispensed with, he was inclined to go on with the bill.

Mr. W. Attwood moved that the House do now adjourn.

Mr. *Grimsditch* said, that he felt a strong objection to the commission being continued, and there was a vast number of his constituents who disliked the laws which emanated, not from the House of Commons, but from the Poor-law Commissioners at Somerset-House. As the noble Lord had abandoned his bill for the amendment of the Poor-law Act, he hoped he would consent to fix the third reading of the present bill for some early day next week.

Viscount *Morpeth* said, that the hon. Gentleman had raised an objection against proceeding with the present measure, because Government had not gone on with the Poor-law Amendment Act; but the hon. Member would surely admit, when he considered the business which had hitherto occupied the House, that it would be impossible to carry such a measure through Parliament this Session. It being acknowledged, then, that it was necessary to continue the powers at present entrusted to the Poor-law Commissioners, he hoped there would be no further objection made to proceeding with the bill.

Mr. *Wakley* thought it was time that business should make some progress in that House, and though he had no doubt of the sincerity of hon. Gentlemen in their opposition to this bill, he would yet like to know what they would gain by a delay of two or three weeks. He hoped hon. Gentlemen would withdraw their opposition to the present measure.

Mr. *W. Attwood* would persist in his amendment, as the bill had not been brought on at a time of the evening when the House could properly discuss it.

The House divided on the question of adjournment:—Ayes 10; Noes 71: Majority 61.

List of the AYES.

Brotherton, J.
D'Israeli, B.
Fielden, J.
Ingestrie, Viscount
Johnson, General
Kelly, F.
Maclean, D.
Parker, R. T.

Perceval, Colonel
Sibthorp, Colonel

TELLERS.
Attwood, W.
Grimsditch, T.

List of the NOES.

Adam, Admiral
Aglionby, H. A.
Baines, E.
Baring, rt. hn. F. T.
Berkeley, hon. H.
Bernal, R.
Broadley, H.
Bruges, W. H. L.
Campbell, W. F.
Clay, W.
Douglas, Sir C. E.
Duke, Sir J.
Duncombe, T.
Elliot, hon. J. E.
Ellis, J.
Ferguson, Sir R. A.
Gordon, R.
Gordon, hon. Capt.
Grey, rt. hon. Sir G.
Hawes, B.
Hindley, C.
Hobhouse, rt.hn.SirJ.
Hobhouse, T. B.
Hodgson, R.
Hope, hon. C.
Horsman, E.
Hoskins, K.
Hughes, W. B.
Hume, J.
Hurt, F.
Labouchere, rt.hon.H.
Loch, J.
Lockhart, A. M.
Macaulay, rt.hon.T.B.
Martin, J.
Maule, hon. F.
Melgund, Viscount
Morpeth, Viscount
Muskett, G. A.
Norreys, Sir D. J.
Palmerston, Viscount
Pechell, Captain
Pendarves, E.W. W.
Pryme, G.
Pusey, P.
Rawdon, Col. J. D.
Rice, E. R.
Roche, W.
Russell, Lord J.
Salwey, Colonel
Seymour, Lord
Sheil, rt. hon. R. L.
Slaney, R. A.
Smith, R. V.
Somers, J. P.
Steuart, R.
Stock, Dr.
Style, Sir C.
Troubridge, Sir E. T.
Tufnell, H.
Vigors, N. A.
Wakley, T.
Warburton, H.
Ward, H. G.
Williams, W.
Wilshere, W.
Wood, G. W.
Wood, B.
Wrightson, W. B.
Wyse, T.
Young, J.

TELLERS.
Stanley, E. J.
Parker, J.

Question again put.

Mr. Fielden moved the adjournment of the debate,

Debate adjourned.

ABOLITION OF THE PUNISHMENT OF DEATH (IRELAND).] Mr. *Kelly* moved for leave to bring in a bill to abolish the punishment of death in certain cases in Ireland. The bill was exactly to the same extent as the bill that had been introduced for England.

Mr. *Fox Maule* said, that great inconvenience had arisen from the form in which the bill for England had been drawn. The amendments could not be discussed on the enacting clauses, but had to be taken on the preamble. Unless the hon. and learned Gentleman could assure him that no such inconvenience would arise in the form of the present bill, he should be disposed to withhold his assent from it.

Mr. *Kelly* could not give the hon. Gentleman the assurance he desired.

The *Attorney-General* said, he was not aware whether his hon. and learned Friend had shown the bill to the Solicitor-general for Ireland, or the bill that was in preparation for Scotland to the Lord Advocate. He did not see there was the remotest chance of these bills becoming law during the present Session, and unless the principle could be carried into effect in all parts of the United Kingdom it would be objectionable to press it at present. He would add, that the form in which the English bill was drawn had been found extremely inconvenient. He would advise his hon. and learned Friend not to persist in his bill.

Mr. *Ewart* supported the motion, and adverted to the cases of measures brought in by Sir Samuel Romilly and Sir Robert Peel that were made to apply to Ireland, although it was desirable that similar laws should have been introduced for that country. It was, therefore, in his opinion, the duty of the House to make a contemporaneous change in the law with regard to that country in the present instance.

Mr. *Kelly* said, that he should always look at any suggestion from the Members of Government with distrust after this; for he had been asked by her Majesty's Attorney-general to prepare a bill for Ireland, and now that he had done so the Government opposed it.

Mr. *Pigot* hoped that the bill which the hon. and learned Gentleman wished to introduce was not exactly in the same form with that which he had introduced for England. If it were, it would be almost impossible to discuss it, there being so many crimes punishable with death in Ireland that were not even contemplated by the laws of this country.

Mr. *Kelly* said, that the bill certainly resembled the English bill. It abolished death in all cases except treason and murder.

Leave given.

Bill brought in and read a first time.

The House adjourned.

HOUSE OF COMMONS,

Saturday, July 18, 1840.

MINUTES.] Bills. Read a first time:—Notice of Elections; Postage; Bank of Ireland; Fisheries; Linen Manufactures; Court of Chancery (Ireland); Slave Trade Treaties.—Read a second time:—Oyster Fisheries (Scotland);

Turnpike Acts Continuance.—Read a third time:—Newgate Gaol (Dublin); Caledonian Canal; West India Relief.

POTATO SUGAR.] The *Chancellor of the Exchequer*, in a Committee of the whole House, moved a resolution, that the excise duty now payable on sugar made from beet-root be charged on sugar manufactured from any materials whatever. The reason why this measure was proposed at so late a period of the Session was, that until very recently he had no idea that such a one would be required. The House had placed a duty on beet-root sugar, but the moment that was taxed the ingenuity of parties set them to work to get it from potatoes and other substances. The present bill would meet every possible case, for it included sugar extracted from any material whatever. [An hon. *Member:* It has been lately manufactured from old rags.] From old rags? I have heard of its being made from rice, but I never till now heard of old rags as materials from which to get it.

Resolution agreed to.

House resumed.

CALEDONIAN CANAL.] Sir *J. Graham* said, he would take that opportunity of making a few remarks on the subject of a bill which he found had been read a third time and passed since the sitting of the House that day—he alluded to the Caledonian Canal. It would be in the recollection of hon. Members opposite, that when the Order of the Day for the third reading of that bill was called on on a former evening, he and his right hon. Friend, the Member for the University of Cambridge (Mr. Goulburn) objected, on account of the lateness of the hour, and at the same time he intimated his intention of objecting to parts of the bill, and of moving an amendment. It was therefore postponed to this day; but he was not a little surprised, on coming down to the House at half-past twelve o'clock, to find that the bill had been already read a third time and passed. It was well known that the Caledonian Canal had already cost the country a very large outlay, and certainly far beyond the benefit which the country derived from it, and it still required a considerable outlay and great care and attention to prevent it from overflowing or breaking down some of the embankments, by which parts of the adjoining country would be flooded and very serious damage ensue. Formerly all the sums applied to keeping up this canal were by estimate, which was laid on the table of that House, and thus the House had a proper control over the whole expenditure. But by the bill which had that morning been hurried through its last stage, the whole of this control had been taken away, and by the third clause of the bill the whole management of the canal was placed in the Commissioners of Woods and Forests, under the control of the Treasury, so that any sum which the Commissioners might think necessary, and which might be sanctioned by the Treasury, would be voted, and Parliament have no control over it. It was his intention, if he had arrived before the bill was passed, to have proposed a proviso to the third clause, to the effect, that no sum should be expended by the Commissioners on the canal until an estimate of the amount, and of its intended application, had been laid before the House. That, however, he regretted to find, was now out of his power, as the bill had passed.

The *Chancellor of the Exchequer* was happy to be able to give his right hon. Friend an answer which he hoped would be considered satisfactory; but let him first remark, that the tone of the right hon. Baronet in his remarks was as if he considered that the bill had been smuggled through the House. Nothing of the kind, however, was intended, and as to the proviso which the right hon. Baronet had intended to move, he would find on looking at the bill that he had been spared the trouble, for a clause precisely to the same effect had been introduced into the bill. [Sir *J. Graham:* When?] In the Committee. So that the control of Parliament over the expenditure, which the right hon. Baronet was anxious to secure, had been already provided for.

Sir *J. Graham* said, he had wished that the bill should be postponed for the purpose of moving the amendment he had named. He was not aware of the introduction of the proviso, and was glad to find that it had been added.

Subject at an end.

POSTAGE DUTIES.] The *Chancellor of the Exchequer*, in moving for leave to bring in a bill to regulate the postage duties, said the House would recollect, that last year, when the new system of penny postage received the sanction of

Parliament, it was apprehended that there would be considerable difficulty in carrying the measure into full effect, and, in order as much as possible to obviate this difficulty, great powers were intrusted to the Treasury, and therefore the whole responsibility of regulating the foreign, the inland, and the colonial postage, had devolved upon that board, and the authority under which these postages were now levied rested solely upon a Treasury order. The continuance of these powers in the Treasury he conceived to be open to great objection. No part of the taxation of the country should be carried on under a mere Treasury order, and he therefore proposed to ask for leave to bring in a bill for the purpose of doing that by Act of Parliament which at present was done by the warrant of a public board. It was still proposed to leave some power in the hands of the Treasury with reference to foreign postages, as there were negotiations on foot the object of which was to secure an equality in the rates. He need hardly add upon that point, that no concession would be made by her Majesty's Government without obtaining an equivalent.

Leave given.

HOUSE OF LORDS,

Monday, July 20, 1840.

MINUTES.] Bills. Read a first time:—Parliamentary Boroughs; Friendly Societies; Assessed Taxes Composition; Newgate Gaol (Dublin); Usury Laws.—Read a second time:—East India Mutiny.—Read a third time:—Convicted Infants' Education.

Petitions presented. By the Bishop of Lichfield, from Rugby, against Sunday Trading on Canals.—By the Marquess of Westminster, from Rate-payers in Chester, to be heard by Counsel against the Weaver Churches Bill.

MUNICIPAL CORPORATIONS (IRELAND).] On the order of the day for the third reading of the Municipal Corporations (Ireland) Bill,

Viscount *Duncannon* wished to state to their Lordships that arrangements had been made for bringing in two other bills concerning the two disputed points—the compensation clauses and the boundary clauses. He had, therefore, to propose that the further consideration of this bill be postponed to Monday.

The Duke of *Wellington* hoped the noble Viscount would state his reasons for the alterations he now proposed, so that they might be known before the next discussion of the bill came on. He, for one, considering what had been passing in Ireland lately on the subject of the Poor-laws and this subject generally, could never consent to this measure passing while such great powers of taxation were given to the corporations to be established under it. He saw that this subject had been lately under consideration in reference to the Scotch corporations, and so far from the taxation under Scotch corporations being unlimited, it was limited to 3*d.* in the pound in cases in which the corporation had no charges to incur for paving, lighting, or watching; and in cases where it had, it was on no account to exceed 1*s.* in the pound. He could not at all see why the powers of taxation should not be equally limited in the Irish corporations. Their Lordships knew to a certainty, that in Dublin there were taxes levied for all these and other services; that, in fact, the corporation of Dublin would have no expense to incur for any purpose whatever as a corporation, and that it would not be asked to interfere in reference to those expenses. Under these circumstances, it was ridiculous to give the corporation a power of levying large taxes on the inhabitants. He must say not-content to this bill, if it did not contain some clauses of limitation of the same nature as those contained in the Scotch Act of Parliament.

Viscount *Duncannon* would endeavour to accommodate the principles of the proposed bills to the suggestions of the noble Duke. As there would be great difficulty in fixing the amount of the limitation, he would not commit himself as to that point on the present occasion.

Lord *Lyndhurst* wished to have a complete understanding as to the compensation and boundary clauses; and begged to refer the noble Viscount to the amendments which had been proposed and printed on the first bill on this subject which had been laid on their Lordships' table, as expressing the wishes of those with whom he acted. As far as related to the boundary question, if the noble Viscount would compare the provisions contained in the Grand Jury Cess Bill with the amendments alluded to, he would find that they did not exactly correspond. He hoped, also, that they might expect a clause of compensation, in substance the same as that contained in the amendments.

Viscount *Duncannon* said, that the clauses would be, in substance, the same as those to which the noble and learned Lord had alluded, but he could not pledge himself to their exact terms.

Third reading postponed.

COUNTY CONSTABULARY.] The Marquess of *Normanby*, on moving the second reading of the County Constabulary Bill, stated that it was his intention, in compliance with the wish expressed to him by several noble Lords, to refer the bill, when it had passed through its present stage, to a Select Committee.

Lord *Ellenborough* was anxious to secure the adoption of the bill, but was satisfied that that object would not be attained, unless the example of Ireland in this respect were followed, and half the expense of the constabulary force put upon the consolidated fund. He should not oppose the sending the bill to a Select Committee up stairs; but he must observe, that in cases where evidence was not required, he thought this practice a bad one. It was of great importance that the public should know from day to day what their Lordships were doing, and how they did it. No publicity was given to the proceedings of a select committee, and for that reason he thought it should never be resorted to, except in cases where the peculiar nature of the subject to be considered rendered it absolutely necessary.

Bill read a second time.

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HOUSE OF COMMONS,

Monday, July 20, 1840.

MINUTES.] Bills. Read a first time:—Turnpike Acts Continuance (Ireland); East India Shipping; Blenheim Palace.—Read a second time:—Insolvent Debtors (India); Linen Manufactures (Ireland); Notice of Elections.—Read a third time:—Prisons (Ireland); Canal Police.

FARNHAM RECTORY. CHURCH LEASES.] On the Order of the Day for resuming the adjourned debate on the Farnham Rectory Bill.

Mr. *Easthope* had a petition to present against this bill, from Samuel Hackvale, of Chipping Norton, in the county of Oxford; which stated, that a proposed provision of the bill would entail great hardships upon the lessees of this property, and upon all persons similarly circumstanced; and praying to be heard by counsel against the proposed provision.

Petition read at length, and ordered to lie on the Table.

The Order of the Day having been read,

Mr. *Easthope* hoped the House would not be induced to go on with this bill until they had given to those persons who were to be affected by the bill, and who had so recently known the intention of the hon. Baronet, to remove the compensation clauses, an opportunity of fairly being heard by the House. He hoped the hon. Baronet would not object to such a postponement as was necessary to give the party time to be heard by counsel against the provision which the hon. Baronet proposed. [Sir *R. Inglis:* I shall decidedly, and I shall press my amendment.] He thought it was impossible that the House of Commons could go the length of deciding a question of this sort without giving the individuals interested a full opportunity of being heard. He would, therefore, move that the further consideration of this debate be adjourned to Wednesday next.

Captain Pechell seconded the motion.

Mr. *J. Stewart*, as a member of the Committee to which this bill was referred, would state shortly the reasons that induced himself and the Committee to come to the conclusion that compensation ought to be given to the lessees of the property affected by this bill. The hon. and learned Member for Exeter, and the hon. and learned Member for Ripon, both on the occasion of the great question of church-rates which was debated in 1837, gave a decided and distinct opinion that the right which the petitioner claimed, and which was claimed before the Committee, was a good and valid right—a right which had been recognised for 300 years, and which could not be set aside in the very summary manner in which the hon. Baronet seemed prepared to set it aside. This was a question of the greatest importance; it interested thousands, and involved interests of great magnitude, and he certainly expected to find Gentlemen on the other side prepared to state their reasons for striking out a clause of this nature in violation of the settled law of the country—in violation of Acts of Parliament—in violation of the decision of a select committee appointed to inquire into the whole subject—in violation of the decisions of the House of Lords, and in violation of the rules of equity and common sense. The settled maxims and practice of conveyancing recognised a tenant right as a species of property. A man might go into the market with it. If any hon. Gentleman would go into the library, and consult the authorities, particularly Butler's Notes, he would find that a tenant right had been treated as a matter of property, and had been distinctly recognised in all dealings with property. He admitted, that a tenant had no right to go and say to a landlord "you must renew my lease," but courts of equity, in dealing with this species of property, where the tenant was dragged before the court by others, distinctly recognised it. Were they, then, prepared to set aside these solemn decisions of courts of equity, and Acts of Parliament? The Gentlemen on the other side proposed to break down the settled rules of property; to reverse the solemn decisions of courts of equity; and to repeal an Act of Parliament. Moreover, they wished the House to reject the opinion of the committee on this bill, an opinion which was in conformity with the opinions of former committees of that House. Under these circumstances, he sincerely trusted that the House would not expunge the words which the committee had inserted. He should certainly vote for the proposition of the hon. Member for Leicester.

Sir *R. Inglis* said, that the hon. and learned Member who had just sat down, and the hon. Member for Leicester, had complained that he had not spoken on this question. The same complaint had been made at the close of the last discussion. In point of fact, he had not that desire of making the same speech very frequently, which appeared to influence those two hon. Members. After a discussion of three hours and a half, as to what the provisions of this bill were, he certainly thought it more respectful to the House not to occupy their time upon the subject, and more especially after stating his view of the case in the first instance. The hon. and learned Member for Honiton, perhaps, was not present on that occasion, or did not attend to him, but he certainly stated, at some length, and with as much clearness as he could, the grounds on which he recommended that the amendment should be introduced into the bill. The attention of the House had been called that evening to a petition from a Gentleman who prayed to be heard by counsel against the provision which he wished to be introduced into the bill. He naturally supposed, and particularly from the solemn tones with which the petition was brought forward, that he was a Gentleman whose rights would be affected by the bill on the table. Incidentally, his rights might be affected, as the rights of any other church lessee might be affected, but the petitioner had no more to do with the Farnham Rectory Bill than the porter at the door of the House. This person, who signed a pamphlet in the shape of a petition, stated that his interests were involved in this bill, and he prayed that the privilege of a petitioner might be extended to him, and that he might be heard by counsel against the bill. The party was out of court—he had no ground of complaint as regarded the bill on the table. The hon. and learned Member for Honiton had not committed his professional reputation, and he was glad he had not, upon the principle that there was any right which these lessees had, under their existing leases, which could be maintained in any court of law; but that hon. and learned Gentleman had endeavoured to infuse an opinion into that House, and to impress upon that House the conviction that these persons would be injured, and deprived of a right, if this bill were to pass. The hon. and learned Member was not afraid even to state, that this bill would repeal an Act of Parliament. He certainly had not expected that any hon. and learned Member of that hon. profession—the law—would have stated that, in passing a private bill, the House of Commons was repealing the Church Temporalities' (Ireland) Act. If the hon. and learned Member did not mean this, why use the phrase? The hon. and learned Member laboured under a most erroneous impression, with respect to the operation of this bill upon the Church Temporalities' (Ireland) Act. There was no more connection between the two acts than between any two acts placed in juxta position, in the volumes on the table. But the hon. and learned Member said, that this was a precedent now for the first time sought to be established. The hon. and learned Member was not in the House about sixteen years ago, when a bill precisely of the same kind was passed. That bill had reference to certain leases of land held under the Bishop of St. David's. What were the objections to the present bill? The hon. and learned Gentleman admitted the merits of the Archdeacon of Surrey, who was one of the parties interested in this bill. He said, that the inhabitants of Farnham were greatly interested in the passing of this bill. The Church also was greatly interested, but he defied any hon. Member to show that any of the parties interested in the bill derived any pecuniary benefit from it. On the contrary, the Archdeacon of Surrey would lose a considerable sum, or rather he would omit to receive. The hon. and gallant Member (Captain Pechell) said, that the Archdeacon could not lose what he never had. True, but if the House refused to pass this bill, the Archdeacon would come into a position where he might receive it. It, therefore, depended upon the hon. and gallant Officer, and those near him, if they should eventually gain a majority on this bill, contrary to the precedent of Friday, and to the appearance of the House that day—it depended upon them whether the Archdeacon should receive it or not; it depended upon them, or rather upon the rejection or passing of this bill, whether the inhabitants of Farnham, and the adjacent parishes, should or should not receive the spiritual instruction that was to be derived from the grant of four new churches, and five additional clergymen. The means of providing this additional spiritual instruction were now in the hands of the House. Let them refuse their sanction to this bill, and they transferred to the Archdeacon of Surrey 11,200*l.* They had been told that the lessees were greatly to be pitied. Now what were the facts, and what were the sums which these lessees had expended in obtaining the interests they enjoyed? They had this stated on what would appear to be sufficient authority, and indeed part of it was stated in evidence, to the effect that the original parties paid not more than 16,000*l.* for the renewal of their leases. [Captain *Pechell:* Who are the parties?] He was alluding to the principal lessee. He had expended on another renewal 4,000*l.*; on suits for titles 7,000*l.*; and upon the kilns and barns about 4,000*l.* —making an aggregate of 31,000*l.* What was the amount of the profits? For the first seven years they amounted to 800*l.* per annum, and for the next forty years the profits amounted to 2,350*l.* annually; thus putting into the pockets of the lessees 94,000*l.* Did the hon. and gallant Member (Captain Pechell) mean to deny that the sum of 2,350*l.* multiplied by forty years would give the amount of 94,000*l.*? The result then was, that for an expenditure of 31,000*l.*, this lessee had received, up to the present time, near 100,000*l.*; and the value of the remainder of the unexpired lease had been valued at 3,000*l.* To say, therefore, that this bill operated hardly upon the lessees, was perfectly ludicrous and absurd. These parties appealed to their rights, but did not the Ecclesiastical Duties' and Revenues' Bill, deprive persons of their rights in a precisely similar manner, with respect to prebendal stalls? If the House did right in the one instance, they were not doing wrong in the other, the present instance. Those who supported the wholesale suppression of the rights of existing prebendaries, complained of the present bill, by which, in a minor and detailed way, the same principle was carried out. The principle might be wrong, or it might be right, but it could not be right at one time and wrong at another. He hoped that hon. Members would no longer complain that he had not endeavoured to state to the House, as fully and as fairly as he could, the grounds upon which he rested his proposition.

Sir *G. Grey* rose to express an earnest hope that his hon. Friend the Member for Leicester would not persevere in his amendment. When he had voted for the adjournment of the debate to this day, it was with the prospect that they should proceed at once to the question of compensation, and that there should be in the first instance, at least, no further delay.

Mr. *Aglionby* concurred in the recommendation of the hon. Baronet. There certainly was a distinct understanding when the party on the other side had a majority, and yet entered into a compromise with the minority, that no other motion should be interposed.

Amendment withdrawn.

On the question being again put.

Mr. *Lambton* the representative of a constituency containing a large body of Church lessees, could not allow this bill to pass without making a few observations upon it. He thought this bill, if it came into law, would establish a very dangerous precedent. The principle of compensation had been admitted by that House every time that the subject of Church leases had come before it for the last eight or ten years. The principle also was clearly established when the Church-rate question was debated in 1837, and by none more ably than by some distinguished Members of the other side. Not only the right hon. Baronet the Member for Pembroke (Sir J. Graham) expressed his opinion on that occasion, but two of the most distinguished lawyers of this country spoke most ably on the subject. The hon. and learned Member for Exeter (Sir W. Follett), amidst the approbation and loud cheers of Gentlemen opposite, clearly laid it down that church lessees had the strongest equitable claim, and that the House could not interfere with their property without giving them fair compensation. The hon. and learned Member for Ripon (Mr. Pemberton) spoke even still more strongly than the hon. and learned Member for Exeter (The hon. and learned Gentleman quoted these two authorities at some length, for which see *Hansard*, Vol. 37, Third Series, p. 396, and 434). After referring to the rights of tenants in general the hon. and learned Gentleman proceeded to say—thus the principle of compensation had been distinctly admitted on the subject of Church lessees. He hoped hon. Gentlemen opposite, for the sake of consistency, would not sanction the wanton and unjust proposition of the hon. Baronet.

Mr. *Phillpots* said, that upon every occasion lessees of Church property had always been considered, as having an interest which it would be the greatest injustice to deprive them of. Hon. Gentlemen knew that property of this description had been to a great extent tied up in family settlements, and he was quite sure that if by a measure of this sort they rendered the title doubtful, no person would be found hereafter ready to advance money upon property of this description. He believed that this bill was extremely excellent in its object; the establishment of new churches and the extension of spiritual instruction, but desirable as that object was, it could not justify an act of injustice. With that feeling he must vote against the motion of the hon. Baronet.

Lord *Stanley* had no doubt whatever that the object of the promoters of this bill was pure and laudable, but the interests of the parties who held leases under the existing incumbent would be affected by the provisions of this bill, and in this way, that whereas they now held leases renewable upon certain conditions, namely, upon the payment of fines regulated by the interest of the individual who happened to be the incumbent at the time, they were about to be transferred, by the forcible interposition of Parliament, to becoming the lessees of others, the risk of whose lives, and whose interest in the renewal of the leases was of a very different description: for a permanent corporation had one interest and one only—namely, that of making the most of time. He was not prepared to say, that under such circumstances, the lessee was not entitled to some consideration. He did not hesitate to say, that when they interfered forcibly by Act of Parliament to require persons who held leases from individuals, the risk of whose lives gave them an interest in renewing upon easy terms, to a permanent body who had no such interest, but whose interests were rather to make the most of their money, the House must take one of two courses — they must either protect men against the change, or they must compensate them for injury. In cases where they were dealing with a body at large, it was very difficult to estimate the amount of compensation; and hence, in the Irish Church Temporalities Act, he preferred not compensation, but protection. He provided that the lessees should have two alternatives, either that of paying an amount of rent equivalent to the rent and fine, or the right of claiming from the lessor to grant to him a renewal of the lease; not making it optional with the lessor whether he would run his life or not. He thought, however, when they came to deal with individual cases, the principle of compensation was fairer, because in the case of individuals they might know all the circumstances of the case. In the case before the House, the compensation, he believed, would be exceedingly trifling, because the life of the party in possession was a better life than either of those in the lease. If he was rightly informed, the lessor was a young man, thirty-five years of age, whilst the two lives in the lease were sixty and fifty, considerably older lives than the life of the lessor. It might be very well worth while for the lessor to say, "These are elderly men, I will run my life against theirs; I will sacrifice present for great future advantages." If he succeeded, no injustice would be done to the lessees; their lives would be forfeited, and the lessor, for his own individual advantage, would be perfectly right in making the most of his land. In the present case, therefore, he supposed the amount of compensation would be very small; but be it greater, or be it less, he felt compelled to vote in its favour.

Mr. *Goulburn* said, that he did not concur with his noble Friend in the arrangement that was made with respect to the Irish Church; but even if he had, he did not think the arguments used by his noble Friend upon the present question would have induced him to act otherwise than vote for the rejection of this clause. He did not consider the lessees under the Archdeacon of Surrey were in any degree in a similar position to the lessees under the bishops of Ireland. In the first place, the leases under the bishops of Ireland were held not for lives, but for twenty-one years; and the common practice was, to renew the lease every year on the payment of a certain sum, and the whole income of the bishop depended upon his receiving annually the sums given for the addition of one year to the existing leases. It was, therefore, next to impossible that any bishop so depending for his income could contest the point with the lessees holding under him. Parliament had, therefore, to make some arrangement which, while it enabled the bishop to receive his income, should be just to the lessees; for they had in the case of the Irish Church a much greater interest than could by possibility be possessed by the lessees in the present case; therefore, if he had been inclined to give compensation in the former case, he should not consider the argument applied to this case. Here was a great public benefit to be obtained, the extent of which no one could know, by which religious and spiritual instruction was to be provided for the people. The case of these lessees was simply this—here was a young man appointed to the archdeaconry of Surrey who had the right of a renewal of the leases held under him by persons who were much older than himself, and who, by withholding the renewal during their lives, and running his life against the lives in the existing leases, would forego a present advantage for the sake of a greater benefit that would ultimately arise to him by outliving them. He could not see that the present lessees had any claim whatever for compensation. He should vote against the clause.

Mr. *Denison* trusted the House would allow him to state what sums of money were at issue in this case. In the case of Mr. Halstead, it appeared that his father gave 16,000*l.* for the lease; that he had himself given 4,200*l.* for the renewal of that lease; and that he had expended 4,000*l.* in buildings and 7,000*l.* in establishing the right to the tithes; by which he raised the tithes from 800*l.* to 2,350*l.*; and it was now proposed to take this away from him, without making him any compensation, although the Church had been so much benefitted by his exertions. The next case was that of Mr. Bury. That gentleman gave 11,250*l.* for his lease; and had paid two fines—one of 800*l.*, and the other of 1,100*l.*, amounting together to 13,150*l.*, the tithes being about 600*l.* a-year. The lessees were the only parties who would suffer by this measure. The Bishop of Winchester would gain the presentation of the rectory of Farnham, with three chapelries annexed; the bill converting a vicarage into a rectory. The Archdeacon of Surrey, who certainly was not over paid, still would gain a permanency, by having annexed to the archdeaconry a prebend in the cathedral of Winchester. The committee called before them three respectable valuers, who gave an unanimous opinion, that by the course meant to be adopted by this bill, it would cause a loss to the lessees equal to three years' purchase; in other words, that if the right of renewal were taken from them, their interests would be depreciated to the amount of three years' purchase. This, he contended, was very unfair towards those gentlemen, and compensation should be made to them for the injury they were about to sustain.

Dr. *Lushington* differed from the opinion which had been expressed by his hon. Friend who had just spoken. Undoubtedly the division on this occasion would be one of rather a singular kind; yet he thought it would redound very much to the honour of the House, because it would be a division upon a private bill, in which individuals of all parties would be found to vote according to their own opinions and judgments, and not according to the opinions of any political party. Now, he conceived, that the estimate mentioned by his hon. Friend, had been made upon grounds the most fallacious. He would not enter into a discussion of the general principle, but in his judgment, in point of fact, there was a most material difference between the case of leases held under a chapter, and the case of leases held under a corporation sole. Where a life fell in, in the case of a lease held under an aggregate corporation, it might be difficult to get all the parties forming that corporation, to agree to run out the lease, though it might be a course that would be to their own advantage; but in the case of property of this description, held on lease under a sole corporation, such as a bishop, a dean, or an archdeacon, the only interest the lessor had to look to was his own interest; and he had the absolute right, which no man had ever yet attempted to control, of dealing with that interest for his own benefit and advantage, without regard to the interest of the lessee beyond what was secured to him by the lease. Suppose the Archdeacon of Surrey, or any other person possessed of such a right as this, should say, "I am only thirty-five years of age; in my opinion it will be to my advantage not to renew these leases;" in such a case would any person, he would ask, say that, either in justice or equity, there would be the slightest claim on the part of the lessee to compensation? He maintained, that in the instance of the present lessees, there was no loss to compensate, and upon that ground he opposed the clause.

The House divided on the question that the words granting compensation stand part of the clause:—Ayes 81; Noes 79:—Majority 2.

List of the AYES.

Aglionby, H. A.
Alston, R.
Archbold, R.
Baines, E.
Barnard, E. G.
Barrington, Viscount
Basset, J.
Bowes, J.
Bridgeman, H,
Brotherton, J.
Bryan, G.
Chichester, Sir B.
Childers, J. W.
Clive, E. B.
Gorbally, M. E.
Divett, E.
Douglas, Sir C. E.
Evans, Sir De L.
Evans, G.
Ewart, W.
Fielden, J.
Ferguson, Sir R.
Finch, F.
French, F.
Gordon, hon. Capt.
Greenaway, C.
Grosvenor, Lord R.
Harcourt, G. G.
Hastie, A.
Hill, Lord A. M. C.
Hodges, T. L.
Hoskins, K.
Howard, hn. E. G. G.
Hume, J.
Humphery, J.
Hutchins, E. J.
Hutt, W.
Jervis, J,
Jervis, S.
Johnson, General
Lambton, H.
Langdale, hon. C.
Lennox, Lord A.
Lushington, C.
Martin, J.
Maule, hon. F.
Noel, hon. C. G.
Oswald, J.
Palmer, R.
Palmer, G.
Pattison, J.
Pechell, Captain
Philips, M.
Phillpotts, J.
Ponsonby, hon. J.
Pryme, G.
Pusey, P.
Rawdon, Col. J. D.
Rice, E. R.
Roche, W.
Salwey, Colonel
Sheil, rt. hn. R. L.
Smith, J. A.
Smith, G. R.
Somers, J. P.
Somerville, Sir W. M.
Stanley, Lord
Steuart, R.
Stewart, J.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Vigors, N. A.
Wakley, T.
Ward, H. G.
White, H.
Williams, W.
Wood, G. W.
Yates, J. A.
Yorke, hon. E. T.
Wood, B.

TELLERS.

Denison, W. J.
Easthope, J.

List of the NOES.

Ainsworth, P.
Arbuthnott, hon. H.
Ashley, Lord
Attwood, W.
Balllie, H. J.
Baker, E.
Baldwin, C. B.
Baring, H. B.
Baring, hon. W. B.
Barneby, J.
Blair, J.
Botfield, B.
Bradshaw, J.
Brooke, Sir A. B.
Brownrigg, S.
Bruce, Lord E.
Buck, L. W.
Buller, Sir J. Y.
Cantilupe, Viscount
Castlereagh, Viscount
Clerk, Sir G.
Compton, H. C.
Courtenay, P.
Currie, R.
Darby, G.
Darlington, Earl of
Dottin, A. R.
Dunbar, G,
East, J. B.
Forester, hon. G.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Gore, O. W.
Goulburn, rt. hn. H.
Grant, Sir A. C.
Grimsditch, T.
Grimston, Viscount
Hawes, B.
Hawkes, T,
Hawkins, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Hope, H. T.
Hutton, R.
Ingestrie, Viscount
Irton, S.
Jenkins, Sir R.
Kemble, H.
Knight, H. G.
Lascelles, hon. W. S.
Lemon, Sir C.
Lincoln, Earl of
Lockhart, A. M.
Lowther, hon. Col.
Lushington, rt. hn. S.
Mackinnon, W. A.
Mahon, Viscount
Milnes, R. M.
Norreys, Lord
Pakington, J. S.
Perceval, Colonel
Praed, W. T.
Reid, Sir John Rae
Richards, R.
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord G.
Stock, Dr.
Sturt, H. C.
Style, Sir C.
Tollemache, F. J.
Trench, Sir F.
Vernon, G. H.
Wilmot, Sir J. E.
Wyndham, W.
Young, J.

TELLERS.

Acland, T. D.
Inglis, Sir R. H.

Other clauses agreed to. Bill to be read a third time.

ECCLESIASTICAL DUTIES AND REVENUES.] Lord John Russell moved, that the Ecclesiastical Duties and Revenues Bill be read a third time.

Sir *R. Inglis* said, he had so often trespassed upon the attention of the House upon the subject of this bill, that he should now only say, that greatly as this bill had been improved since its first introduction to the House, four or five years ago, he thought it still open to the fundamental objection of being a measure for the confiscation of Church property, and tending to the ruin of cathedral establishments. He could not therefore suffer it to pass without raising his voice against it.

Mr. *Hume* would express his regret that the bill did not go much farther. So far from its being a measure of confiscation of church property, not one farthing would be taken from the church. The bill would only make a better distribution of the property, and apply a surplus revenue to better purposes. It appeared it was, as far as it went, an excellent measure.

Mr. *W. Gladstone* had opposed this bill, not because it reformed too much, or too little, but because it was a kind of reform which would be less effective, and less in conformity with the principle of the institutions with which it dealt, than other reforms which might be applied with greater benefit to the Church. It had been suggested by very high authorities, that the chapters ought to discharge the functions of councils to the bishops, and the cathedrals be rendered useful as places for the theological education of the clergy belonging to the Church. The noble Lord had met this suggestion in a serious, calm, and considerate manner. But the noble Lord's proposition, in the shape of an objection, was this, that there were such differences of opinion in the Church, as would render it impracticable for successive bishops to make use of the advice of the same chapters as their councils, and that if the cathedrals were employed as places for theological education, it would only tend to create so many different sects and schools of opinion, that would produce a great and injurious diversity of doctrine throughout the country. That objection might have held good at a time when the Church of England was torn in pieces by the war of party, and when it might have been justly apprehended that the most injurious results would have followed such a course. The name and idea of party were now from day to day, and from year to year, becoming more odious and offensive to every good member of the Church of England, and were more and more repudiated, both in theory and practice, by her ministers and her divines. So far from entertaining the apprehensions expressed by the noble Lord, he (Mr. Gladstone), on the contrary, believed that the further theological studies were carried in this country, the more the education of the clergy was attended to, the best opinions would be found to prevail among them, and more efficiency would be given to their ministrations. The main objection urged by the opponents of this bill had been, that it would place the ecclesiastical establishment of the country upon an insecure and precarious foundation, and that the present measure seemed only intended to prepare them for further measures of reduction of the property of the Church, and to invite them by degrees to plans of entire spoliation. That was the danger they had to apprehend; and particularly, he was bound to say, with respect to the cathedrals of this country, that he did not believe any cathedral institution could be secure, whether it had twenty canonries, twelve canonries, four, or two canonries, unless the patronage of those institutions should be exercised with fidelity. During the period in which this bill had been under discussion in that House, events had taken place which appeared to show that the Government had not been sufficiently convinced of the necessity of giving to the cathedral establishment that security—which was the only efficient security they could have—namely, the security which arose from the right distribution of their patronage. He should be the last person in the House to complain of her Majesty's Government for employing the power and influence which were to be derived from lucrative and important appointments, by conferring them upon those who concurred in their own political opinions. He made no complaint upon that score. But he did complain of an appointment which had been made during the last few weeks to the wardenship of Manchester. That appointment seemed to bear out what had been supposed by the hon. Member for Kilkenny, for the bill would not go far enough if they cut away one-half of the abuses, but continued the same system as had been pursued with respect to those that remained. In reference to the gentleman who had received the appointment, it was not his intention to utter one word of personal disrespect. He was a poet and a scholar; but poetry and scholarship were not precisely the gifts which for such an appointment seemed to be requisite. This was the parish church of Manchester. To that church a very large population looked for the rites of baptism, marriage, and burial; there were sought the offices of the Church — there the population sought the instruction derived from a parochial Church—and there the ministers ought to have been too glad to have appointed to the office of warden a person who would have entered upon his duties aware of the great spiritual wants to be supplied by that Church. The gentleman who had received the appointment, whatever his distinction might be, was not the best calculated for the service of the Church, or for the parochial administration. He was already the rector of Stafford, in the archdiocese of York, with a population of 2,000 souls, and an income of 1,500*l.* a-year. If they were to leave offices richly endowed, to which no duties attached, he did hope, that the Government would see what were the necessities of the times, and use the patronage of their office in such manner as to make it the most effective. He must say, however, from the interest taken by the noble Lord opposite (Lord John Russell) in this subject, and from the care he had taken to render the cathedral establishments efficient, that he could not ascribe the late appointment to that noble Lord. He did not wish to interfere with the prerogative of the Crown—he did not complain of the appointment of a person of one politics rather than another; good clergymen there might be, and efficient clergymen, from one political party as well as another, but he objected to the appointment because it had not been made with a view to render the collegiate Church of Manchester conducive to the interests of the Church, such an appointment must meet with his condemnation, and his reprobation.

Colonel *Sibthorp* hoped, that there was still strength left among those connected with the Church to reject this measure. Until her Majesty's Government, which was a disgrace to the country, was changed, there would be no hope for the preservation of the Church.

Mr. *Darby* observed, that the House by the vote to which it had just come, had decided, that mere possibility was the subject of valuation. Now, under this very bill, he knew a canon residentiary, who wished to renew a life; he would therefore ask the noble Lord whether these matters were to be the subject of compensation, and what was to be the extent to which the House was to allow the compensation in the changes to be made by this bill?

Lord *John Russell*, in regard to the question of the hon. Member, did not propose to make any compensation to the lessees of the Church under this bill. The commissioners, in the cases to which the hon. Gentleman referred, would have power to renew the lease, and it would be for them to judge whether it was proper to renew it or not. At the same time he thought, with reference to certain matters, it would be fit that they should have a certain regard to the interests of the lessees. He owned, that it was a subject of difficulty. He could not vote for a clause giving general compensation, still there were cases which would not be fairly treated by abrogating the right of the lessees without giving indemnification or a power of renewal. He did not propose to give anything by this bill, because it was intended to leave a power in the hands of the commissioners to renew or not, and if they made it compulsory on the commissioners to renew, it was obvious, that they would be giving to the lessees a greater interest than they had at present; for supposing a person in the situation of lessor should not choose to renew, and should say, that he would take the chance of the lease falling in, he might now do so, and consequently they could not compel the commissioners to renew without increasing the lessee's interest. It was not therefore intended to give any power of indemnification under the present bill, but the whole subject must come under the consideration of Parliament in the next Session. He must say also one word as to the appointment of a person of learning and ability to a situation which he (Lord John Russell) considered similar to that of dean in one of the cathedral churches in the country; he was not acquainted with that reverend gentleman, he had never seen him, but he could not disavow all the responsibility of the appointment, because the noble Lord at the head of her Majesty's Government had communicated to him the intention of recommending that gentleman to the Crown, and he could not offer any objection to the appointment.

Mr. *Goulburn* could not but think, that if the noble Lord entertained any doubt whether the lessees should have compensation, the point ought to be settled at once, because he could conceive nothing more calculated to produce injury than to leave such a question unsettled. He would not consent to be a party to holding out any expectation of compensation, because he was confident, that if the property remained in the hands in which it now was, their regard for the general interests of the Church would prevent a renewal of the leases. If he understood the noble Lord, that in future they were to have claims for compensation to be decided by that House, or entertained by the commissioners, he said distinctly, that they ought not to pass this bill without laying the foundation for the compensation which the House might determine ought to be given. But at a time when they were making great sacrifices on the part of the Church to afford spiritual instruction to the people, they ought not, as he thought, to deprive the people of that instruction to make any such compensation. His object, in consenting to this bill, was to promote what he believed the bill would promote—the spiritual instruction of the people—and whatever should tend to prevent that, should have his determined opposition.

Bill read a third time.

On the question that it do pass,

Lord John Russell moved to insert a clause declaring, that the first two vacant canonries in the cathedral church of Ely shall belong to her Majesty, but that no person shall be eligible or qualified to hold them except the Regius Professor of Hebrew, the Regius Professor of Greek, the Norrisian Professor of Divinity, or the Master of Jesus.

Clause read a first time.

On the question that it be read a second time,

Mr. *Goulburn* claimed to have the University of Cambridge upon a perfect equality with the University of Oxford. He did not see why there should be seven professorships of Oxford — why they should have annexed to them canonries in the collegiate Church of Christchurch, and that only two professorships in Cambridge should have the chance of having canonries. What he asked the noble Lord was, to endow the three professorships and the mastership of Jesus, in the University of Cambridge, by annexing to them four canonries in the cathedral church of Ely. All, however, that the noble Lord proposed to do by his clause was, that the first two canonries that should be vacant in Ely might be held by these professors, who might resign the professorship in a few days and still retain the canonry. The clause which he intended to introduce, if the noble Lord's should be rejected, was to declare, that in the cathedral church of Ely, the first, second, third, and fourth canonries that should be vacant should be permanently annexed to the Norresian professorship of Divinity, the Regius professorship of Hebrew, the Regius professorship of Greek, and the mastership of Jesus College. Jesus College was especially entitled, for it was founded by a Bishop of Ely, the appointment of the master was vested in the Bishop of Ely, the master received only a small amount, and it was considered almost a matter of course now if the master's income was not increased from some other source, that he should have annexed to his offices a prebendaryship of Ely.

Lord *J. Russell* said, that if the House did not like the clause he had proposed, it might adopt that of the right hon. Gentleman, yet he had hardly given any valid objection to the clause as it had been proposed. The question with respect to the universities of Oxford and Christchurch turned upon the fact, that it was a collegiate establishment, but the cathedral of Ely was never considered part of the University of Cambridge. The clause would serve the purpose for which it was intended. As it stood, it had been altered to meet the wishes of the dean of Ely.

Lord *Stanley* hoped, that his right hon. Friend (Mr. Goulburn) was in error, and that a person resigning the professorship would not retain the canonry. The words were, "no one shall be eligible or qualified to hold" the canonry who was not one of these professors. If that were the meaning of the clause it would not require alteration.

Dr. *Lushington* said, that as the words were, "no one shall be eligible or qualified to hold," it appeared, that if the party resigned the professorship, he would be disqualified from longer holding the canonry.

Mr. *Goulburn* would then move to insert the word "four" instead of the word "two."

The House divided on the original question:—Ayes 60; Noes 26: Majority 44.

List of the Ayes.

Aglionby, H. A.
Baring, rt. hon. F. T.
Barnard, E. G.
Bernal, R
Bridgeman, H.
Brotherton, J.
Buller, C.
Byng, G.
Childers, J. W.
Clay, W.
Clive, E. B.
Dalmeny, Lord
Denison, W. J.
Ellis, W.
Ferguson, Sir R. A.
Finch, F.
Fitzroy, Lord C.
French, F.
Grey, rt. hon. Sir C.
Hawes, B.
Hobhouse, T. B.
Horsman, E.
Hume, J.
Hutchins, E. J.
Lemon, Sir C.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, rt. hon. T. B.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Morrison, J.
O'Ferrall, R. M.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Philips, M.
Price, Sir R.
Rawdon, Col. J. D.
Roche, W.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Salwey, Colonel
Sanford, E. A.
Slaney, R. A.
Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. E. J.
Talbot, C. R. M.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Vigors, N. A.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Warburton, H.
Williams, W.
Wood, G. W.
Wood, B.
Wyse, T.

TELLERS.
Grey, Sir G.
Sheil rt. hon. R. L.

List of the Noes.

Acland, Sir T. D.
Acland, T. D.
Baker, E.
Baring, hon. W. B.
Blair, J.
Broadley, H.
Brownrigg, S.
Buller, Sir J. Y.
Chute, W. L. W.
Courtenay, P.
Darby, G.
Dunbar, G.
Estcourt, T.
Freshfield, J. W.
Gladstone, W. E.
Graham, rt. hn. Sir J.
Inglis, Sir R. H.
Milnes, R. M.
Nicholl, J.
Pakington, J. S.
Palmer, G.
Patten, J. W.
Pusey, P.
Somerset, Lord G.
Stanley, Lord
Wyndham, W.

TELLERS.
Fremantle, Sir T.
Goulburn, rt. hon. H.

Clause read a second and third time, and added to the bill.

Sir *R. Inglis* said, he regarded the bill as the destruction of the cathedral system; he would therefore propose a clause which would continue the framework of that system as now existing, in number, title, and dignity, leaving the property at the mercy of the noble Lord opposite. He moved the following clause:—

"And whereas it is expedient, that the several establishments of the cathedral and collegiate churches of England and Wales should be maintained in their integrity, so far as relates to the number of members composing the said several establishments, and also so far as relates to the maintenance of the several colleges or corporations of minor canons and vicars choral of the said cathedral or collegiate churches; be it enacted, that nothing herein contained shall prevent any patron or patrons from collating any person duly qualified to any office, prebend, or dignity in any cathedral or collegiate church; provided always, that the estate, hereditaments, income, and emoluments, now by law invested in every such office, prebend, or dignity, shall go and be applied in manner according to the provisions of the present bill, any thing herein contained to the contrary notwithstanding."

He hoped, that his motion would not be opposed. The object which was had in view was to enable patrons to collate persons to dignities with a view to their enjoying a rank to which their exertions entitled them. In many instances the amount of emolument was merely nominal; and as the real object was the conferring of rank, to which it was natural that persons in all professions should look, he conceived that no well-founded objection could be made to the clause.

Clause read a first time.

On the question that it be read a second time,

Lord *John Russell* thought that the clause was inconsistent with the general provisions of the bill. He could not think that it was at all desirable that the number of church dignitaries should be kept up, and he could not but imagine that the conferring of rank, without being accompanied by some emoluments, would not be so desirable as the hon. Baronet seemed to suppose. He should, therefore, oppose the motion.

Mr. *Goulburn* expressed his intention to vote against the motion. The effect of the clause would be to strike out three-fourths of the bill; and however much he might concur in its principle, he could not consent to its adoption at this late stage of the measure.

Mr. *Acland* said, he should support the clause moved by the hon. Baronet the Member for the University of Oxford, notwithstanding the inconsistency pointed out by his right hon. Friend. He would vote for it, not for the sake of offering pecuniary rewards to able young men, but to maintain these spiritual offices in the Church.

The House divided:—Ayes 15; Noes 55: Majority 40.

List of the AYES.

Acland, Sir T. D.
Baker, E.
Broadley, H.
Buller, Sir J. Y.
Darby, G.
Estcourt, T.
Freshfield, J. W.
Gladstone, W. E.
Grimsditch, T.
Pakington, J. S.
Palmer, G.
Perceval, Colonel
Pusey, P.
Teignmouth, Lord
Wyndham, W.

TELLERS.

Acland, T. D.
Inglis, rt. hn. Sir R.H.

List of the NOES.

Aglionby, H. A.
Baldwin, C. B.
Baring, rt. hn. F. T.
Barnard, E. G.
Bernal, R.
Blair, J.
Bridgeman, H.
Buller, C.
Childers, J. W.
Clay, W.
Dalmeny, Lord
Ellis, W.
Ferguson, Sir R. A.
Finch, F.
Fremantle, Sir T.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hon. Sir C.
Harcourt, G. G.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Hume, J.
Humphery, J.
Kemble, H.
Lushington, rt. hn. S.
Morpeth, Viscount
Morris, D.
Morrison, J.
O'Ferrall, R. M.
Parnell, rt. hn. Sir H.
Peel, rt. hn. Sir R.
Pendarves, E. W. W.
Phillpotts, J.
Ponsonby, C. F. A.C.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Scrope, G. P.
Sheil, rt. hn. R. L.
Slaney, R. A.
Somers, J. P.
Style, Sir C.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Vernon, G. H.
Vigors, N. A.
Villiers, hon. C. P.
Williams, W.
Wood, G. W.
Wood, Colonel T.
Wood, B.
Wyse, T.

TELLERS.

Manle, hon. F.
Stanley, hon. E. J.

Clause rejected.

Mr. T. Acland proposed a proviso to the 63d clause, reserving the existing rights as regarded deans.

Lord *J. Russell* replied, that ample reasons had been stated in the 4th report of the commissioners, presented in the year 1836, why the amendment of the hon. Gentleman should not be adopted.

The House divided:—Ayes 8; Noes 76: Majority 68.

List of the AYES.

Acland, Sir T. D.
Arbuthnott, hon. H.
Eliot, Lord
Freshfield, J. W.
Pakington, J. S.
Palmer, G.
Perceval Colonel
Wyndham, W.

TELLERS.

Inglis, rt. hn. Sir R.H.
Acland, T. D.

List of the NOES.

Adam, Admiral
Aglionby, H. A.
Baines, E.
Baldwin, C. B.
Baring, rt. hn. F. B.
Barnard, E. G.
Barry, G. S.
Bernal, R.
Blair, J.
Bridgeman, H.
Briscoe, J. A.
Broadley, H.
Childers, J. W.
Clay, W.
Currie, R.
Denison, W. J.
Duke, Sir J.
Evans, G.
Ferguson, Sir R.
Finch, F.
Freemantle, Sir T.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Grimsditch, T.
Harcourt, G. G.
Hastie, A.
Hawes, B.
Hindley, C.
Hobhouse, r. h. Sir. J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hume, J.
Hutton, R.
Kemble, H.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, rt. hn. T.B.
Morris, D.
Morrison, J.
Norreys, Sir D.
O'Ferrall, R. M.
Palmer, R.
Parker, J.
Parnell, rt. hn. Sir H.
Peel, rt. hn. Sir R.
Pendarves, E. W. W.
Price, Sir R.
Protheroe, E.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Col.
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Sheil, rt. hn. R. L.
Smith, R. V.
Somers, J. P.
Stock, Dr.
Style, Sir C.
Thompson, Ald.
Thornley, T.
Troubridge, Sir E. T.
Tufnell, H.
Verney, Sir H.
Vernon, G. H.
Warburton, H.
Williams, W.
Wood, G. W.
Wood, B.
Wyse, T.

TELLERS.

Stanley, hon. E. J.
Maule, hon. F.

Proviso rejected.

Bill passed.

CLERGY RESERVES (CANADA).] Lord J. Russell moved the Order of the Day for the further consideration of the Report of the Clergy Reserves (Canada) Bill.

Order of the Day read.

On the motion that the House resolve itself into a committee,

Mr. *Pakington* had no intention of doing anything which would delay the progress of the bill: on the contrary, he thought that much credit was due to the noble Lord for the course he had pursued in adopting the suggestions which had been made elsewhere. He was still of opinion, however, that the provision to be made for the churches of England and Scotland was not such as they had a right to expect, but still it was much better than the first which had been proposed, or indeed than any other provision which had been proposed either here or in the province. Besides this, seeing the feeling with which the noble Lord came forward to meet the proposition which had been made, and being anxious to bring this question to a speedy conclusion, and not suffer it to remain as a source of discord, he would not treat the bill with any hostile spirit. He approved of the alteration in the first clause, which limited the sale to a particular number of acres in one year, which would have the effect of securing a firm price. He objected to the second clause, which decided that the proceeds of the land sales should be placed in colonial securities. There was also another point of some importance—namely, it did not appear whether or not the Society for the Propagation of the Gospel, who were to be intrusted with the management (and there could be no better trustees), were vested with the power of re-purchasing the lands. He at first entertained doubts as to the propriety of selling the property without making some reserve for the sites of future churches. He now, however, was ready to agree that the whole should be sold, and that the value of the land would increase in proportion to the increasing prosperity of the country. He was, however, desirous that some provision should be made with respect to the power of re-purchasing for the sites of churches. As to the portion granted to the churches of England and Scotland, it should be remembered that there were now in Canada a vast number of people who were at present of no church, but who would probably hereafter come into these communions. There was another clause, the seventh, to which he entertained a strong opinion, but in which he was glad to find that the noble Lord had made material alterations. In the original bill endowments were given to a great variety of sects, and particularly to Roman Catholics, and if it had remained so worded as it at first was, it would have have been highly objectionable. If the House referred to the proceedings upon this subject in the reign of George 3rd, and the language used by Mr. Pitt and Lord Grenville, it would be found, that whatever difference of opinion existed upon other points, there could not be the slightest doubt that these reserves were made for Protestant uses. He hoped that the noble Lord might still be induced to insert the word "Protestant," so as to limit the fund to those uses contemplated in the original intent. He had no objection to the general provisions of the measure, but he was desirous that a sound foundation should be laid for that religious instruction in Canada upon which alone must depend the prosperity of the colony.

Mr. *Hume* differed altogether from the hon. Gentleman who had just addressed the House as to the merits of the amendments which had been made in the bill by the noble Lord. He had understood, that the object of the Government by the present bill was to settle this question which had been a source of discord in the colony for the last twenty-five years. He understood from the letter of the noble Lord to the Governor of Canada, that the Government desired to satisfy the wishes of the majority of the people of Upper Canada on this subject, but he feared that some of the provisions that had been recently introduced into it would have anything but this result. He had on three several occasions presented petitions from the House of Assembly of Upper Canada on the subject of clergy reserves, and they protested on each occasion against the lands belonging to the people of that colony being appropriated in any thing like the way proposed in this bill. They however agreed, to prevent jealousies, that the lands in question should be sold, and that the results should be appropriated to the religious and general education of the people of the colony. It was therefore preposterous to expect that they would be satisfied with the mode now provided. Upper Canada, according to the Report on Clergy Reserves which he held in his hand, had repeatedly come to the following resolution:—

> "That it is desirable that the lands commonly called the Clergy Reserves, and the proceeds arising from the sales thereof, be appropriated for the promotion of the religious and moral instruction of the people throughout the province."

An address to the same effect had been agreed to by the House of Assembly in the year 1831, and he found that year after year there were resolutions agreed to, all to the same purport, and all declaring against any interference on the part of the British Government. How, then, he asked, could the noble Lord suppose that a settlement like this could tend to the peace or contentment of that country?

He objected to the House proceeding with the bill, and when the House went into committee, he meant to propose the omission of this proviso in the fifth clause, and also that the seventh clause be left out.

Sir *R. Inglis* was content to risk his view and opinion of the bill upon one single sentence that had fallen from the hon. Member for Kilkenny,—namely, that the clergy reserves had been granted by Parliament for the support of the Protestant clergy. He would leave the House to judge of the hon. Member's consistency after such an admission as that. The hon. Member had spoken of petitions that had been sent him to present to that House from speakers of the Colonial Assembly in three successive Parliaments. Now, one of these gentlemen was Mr. Bidwell, and he would ask the House whether they were prepared to place much confidence in any thing that proceeded from that gentleman. [Mr. *Hume* believed him to be as good a man as any in that House.] Let her Majesty's subjects in Canada, and in that House, and in the United States of America know what was the opinion of the hon. Member for Kilkenny on that point. He looked upon this bill with nearly the same feelings as those he entertained when the first discussion took place upon it. He admitted, that the bill had been improved since it was first introduced, but it still contained a great and predominating evil. In the words of the hon. Member for Kilkenny, he asserted that the clergy reserves were avowedly granted for the Protestant Church, and he therefore considered it the bounden duty of the British Legislature, considering the vested interests at stake, not to alienate those vested interests, but to protect and preserve them for the purposes originally intended. He now objected to this bill as strongly as before, because he was of opinion that it divested a great corporation of her Majesty's subjects, whom he regarded as the Church, of a portion of that property, which had been solemnly awarded them by the Legislature of this country. Unless others set the example, however, he should not feel himself justified in dividing the House again upon the principle of the measure.

House went into Committee.

Upon Clause 1

Sir *J. Graham* said, that he wished to know from the noble Lord whether he had any objection to include in this measure the sales of the clergy reserves in the Lower Province?

Lord *John Russell* observed, that one reason for the non-insertion of the clergy reserves in Lower Canada was, that there had not been that source of disputes and of very great dissension that there had been in the Upper Province. A bill, too, had been passed for this purpose in the Upper province: and it had not been a matter of dissension in the Lower Province. He did not state this as a reason for not including the clergy reserves of the Lower Province; he only stated it as a reason why it was not originally introduced. Unless the thing could be done by the general concurrence, he should be sorry to embarrass the bill with any such clause.

Sir *Charles Grey* stated, that unless the Lower Province was included in this bill, there would be a repetition of the scenes that had taken place in the Upper Province on this subject.

Mr. *W. Gladstone* hoped that the noble Lord would include Lower Canada in this bill.

Sir *James Graham* desired to see the clergy reserves sold in the shortest possible time, provided that no sacrifice was made of them. As to the Catholic church in Lower Canada, it was already very amply endowed.

Clause amended and agreed to.

On the Second clause,

Mr. *Goulburn* said, it was essential that the produce of the sales should be vested in good securities, and he was not aware that there were any means of so doing in Upper Canada. He should propose, therefore, an amendment, based on the precedent of the act of the 7th and 8th of the late King, that the money should be paid over to officers appointed by her Majesty for that purpose, and by them be invested in the public funds of Great Britain.

Sir *C. Grey* thought it was exceedingly desirable to ensure the safe keeping of their funds, but disapproved of the proposal to invest them in this country, as so doing would deprive the provinces of all the advantages which that amount of capital lying within its limits must necessarily confer upon a new country. He thought there were plenty of securities in the province in which the funds could be safely invested.

Lord *J. Russell* opposed the amendment, which would involve a most unpalateable reflection upon the public securities of Canada. In the bill of 1839, a provision had been included, giving the Governor-general the power to invest these funds either in the securities of the colony, or of this country; and this was one of the few provisions which was objected to by the Colonial Assembly. This showed the feelings which existed in the province on this subject, and he should therefore oppose the re-insertion of such a provision on the present occasion.

Sir *J. Graham* said, that the fact of investing these funds in the British funds could not deprive the province of any of the advantages derivable from such an amount of capital, as it was specially provided that all the interest should return to the province. He should be glad to be informed by hon. and learned Gentlemen opposite, what securities they would propose to invest these funds in in Upper Canada?

The Committee divided on the question that the words be added.—Ayes 28; Noes 58: Majority 30.

List of the AYES.

Blair, J.
Brooke, Sir A. B.
Bruges, W. H. L.
Darby, G.
D'Israeli, B.
Douglas, Sir C. E.
Eliot, Lord
Estcourt, T.
Fremantle, Sir T.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimsditch, T.
Hodgson, R.
Hope, G. W.
Inglis, Sir R. H.
Irton, S.
Kemble, H.
Knight, H. G.
Neeld, J.
Nicholl, J.
Palmer, R.
Perceval, Colonel
Ponsonby, C.
Pusey, P.
Sandon, Viscount
Thompson, Mr. Ald.
Vere, Sir C. B.
Wyndham, W.

TELLERS.

Gladstone, T.
Pakington, S.

List of the NOES.

Adam, A.
Baines, E.
Baring, rt. hn. F. T.
Basset, J.
Bowes, J.
Bridgeman, H.
Childers, J. W.
Clay, W.
Currie, R.
D'Eyncourt, rt. hon. C. T.
Ferguson, Sir R. A.
Finch, F.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hume, J.
Hutt, W.
Langdale, hon. C.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, rt. hn. T. B.
Maule, hon. F.
Morpeth, Viscount
Muntz, G. F.
Norreys, Sir D. J.
O'Ferrall, R. M.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Price, Sir R.
Rawdon, Col. J. D.
Rice, E. R.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Salwey, Col.
Sanford, E. A.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Stanley, hon E. J.
Stock, Dr.
Style, Sir C.
Troubridge, Sir E. T.
Tufnell, H.
Verney, Sir H.
Wakley, T.
Warburton, H.
Ward, H. G.
Williams, W.
Wood, G. W.
Wrightson, W. B.
Wyse, T.

TELLERS.

Gordon, R.
Smith, V.

Clause agreed to.

On Clause six,

Mr. *Hawes* said, that, as this clause related to the office of treasurer to be appointed under this act, he was desirous of making a few observations to the House, in consequence of the papers which had been laid upon the table of the House. The committee would see by the succeeding clause, that the consolidated fund of Great Britain and Ireland was made liable for any deficiency when the sum in the hands of the treasurer, derived from the sale of the clergy reserves, was below 7,500*l.* This country was called upon to guarantee this amount, as a fund for the payment of the Canadian clergy. This rendered it important that trustworthy officers should be appointed for the reception and distribution of the funds to be so derived. Now it appeared to him that nothing was more probable than that the Bishop of Toronto might be one of the officers to be appointed under this act to receive and pay the sum in question. This he protested against—for who was the Bishop of Toronto? Let the papers before the House answer this question. From these papers it appeared that he was the president of King's College. In the course of the year 1839, Sir George Arthur instituted an inquiry into the management of the college, and it came out that the bishop had been drawing for many years his salary (250*l.* per annum) for doing nothing. Sir George Arthur, considering that this college was not likely to come into operation, stopped the salary. Some further enquiries, it appears, were made by the Assembly, when it appeared that the bishop, the president of the college, had borrowed from the funds of the college, for his private purposes, about 5,500*l.* on the security of various notes-of-hand, more than half of which—

six out of eleven—were overdue and unpaid. The Governor-general most properly demanded an explanation from the bishop, who, in answer to the chief-secretary's letter, dated February 3rd, 1840, admitted the fact, and described the transaction, in his letter of the 10th of February, as a common money transaction of the most simple kind. After the receipt of this letter, the Governor-general (through his chief-secretary) replied, on the 15th of February, that he did not deem it a simple money transaction, but that—and these were his words—the employment of the funds of a public trust, by one of the trustees, for his own advantage, was a proceeding which, in his opinion, was highly objectionable. Now, had he (Mr. Hawes) designated this transaction, he should have rather termed it one of a disgraceful nature—as something very closely approaching peculation. But passing that by, discreditable as it was to all parties concerned, it was stated, in the letter of Dr. Boys, the bursar (February 11, 1840), that the council had sanctioned this proceeding. Upon further investigation, however, Dr. Boys writes another letter to the Governor-general, who, it appears, had pretty good information, and as vigorous a determination to inquire into the transaction, that there was no minute of council or authority for the transaction. Now he, (Mr. Hawes) contended, that he was fully justified in demanding a clear explanation from the noble Lord, as to who were to be appointed officers under this clause. To the bishop he objected. To the president of a college, who could thus misapply trust funds for education, he felt called upon emphatically to object. There was no doubt of the transaction. Sir George Arthur begins—the Governor-general and the Assembly continue the inquiry—the bishop denies nothing, and only palliates it as a simple money transaction of an ordinary kind. Unless he was fully assured that this right rev. Prelate was relieved from the duty of watching over the pecuniary interests of the Church, he should move a proviso at the end of the clause to exclude him specifically, and take the sense of the House. For a Prelate, in his position too as president and trustee of the college, so to act, was highly reprehensible, and demanded exposure.

Sir *George Grey* said that, under no clause of the bill could any appointment take place, as an examination of the clauses to come would show. The receiver-general of the province would alone receive the proceeds of the sales of land. He thought therefore that the proviso was unnecessary. He did not mean to enter into the question which had been brought forward; he only rose to assure his hon. Friend that his proviso was not called for, even admitting all the facts of the case against the bishop as stated.

Mr. *Hume* concurred with the hon. Member for Lambeth. No money had ever been expended in the province of Upper Canada, connected with church affairs, but what had passed through the hands of the Bishop of Toronto.

Sir *Charles Grey* defended the conduct of the bishop. He had always borne the character of a man of the most stubborn integrity.

Mr. *Pakington* regretted the transaction, and said that he had read the documents in question with the greatest surprise. He thought it premature to form an opinion; he should suspend his judgment. He thought the Governor-general ought not to have transmitted the statement without the knowledge of the bishop.

Mr. *Gladstone* said, that the hon. Member for Lambeth had indulged in taunts and sarcasms against the bishop. He was not justified in the attack he had made. He was himself susceptible enough when attacked, as he could testify; he should be cautious, therefore, before he assailed others, to know the whole case. He had rarely heard a more severe speech than that of the hon. Member for Lambeth delivered in that House. He would not go so far as to call on the House for a sentence of acquittal for that rev. gentleman, but he must say that he thought it premature to come to any judgment on his conduct, more especially on the *ex parte* statements which had been read by the hon. Member for Lambeth. The conduct of Governor Thomson in sending home such statements was most reprehensible and unjust. It was his duty to have instituted an inquiry in a case like the present, and he ought to have called on the bishop for his defence. As this had not been done, the conduct of the Governor was highly reprehensible.

Mr. *Warburton* said, that the hon. Gentleman who had just sat down had blamed the hon. Member for Lambeth for his having accused the Bishop of Toronto, but the hon. Member himself had not been slow in preferring accusations against the conduct of Governor Thomson.

Mr. *V. Smith* said, the hon. Member for Newark had designated the question raised by the hon. Member for Lambeth as premature. Now, he (Mr. Smith) did not think it premature, but he certainly considered it a little inopportune. The imagination of the hon. Member had been singularly fertile in supposing, that the conduct of the Bishop of Toronto had any connexion whatever with the sixth clause of this bill. It was a perfectly gratuitous supposition. But he (Mr. Smith) should not have troubled the committee with one word if the hon. Member for Newcastle had not thought proper to blame the Governor-general of Canada for sending home the despatch containing the result of his inquiry into the case of the Bishop of Toronto to the Colonial-office. For what could the hon. Gentleman blame the Governor-general? It was his duty to inquire into the transaction, and to disclose it to the Government at home. If his despatch had never been produced, there would have been a very loud and clamorous complaint made. He thought his hon. Friend had acted most properly in this transaction.

Mr. *Gladstone* denied most distinctly that he had made any charge against the Governor-general of Canada for having instituted an inquiry into the transaction. On the contrary, he had declared that it was the Governor-general's duty to make the most rigorous investigation into the whole matter; but the blame which he threw upon the Governor-general was for not having given notice to the Bishop of Toronto that he intended to make the transaction a subject of inquiry.

Mr. *V. Smith* admitted that the hon. Gentleman did say that it was the duty of the Governor-general to inquire into the transaction; but he understood the hon. Gentleman also to say, that the Governor-general ought not to have sent the result of the inquiry home to the Colonial-office.

Mr. *Ward* said, that the alleged severity of the speech of his hon. Friend, the Member for Lambeth, consisted in a remarkably clear statement of facts, and in quotations from the letters of the Bishop of Toronto himself, whose explanations had the misfortune of aggravating the charge which they were meant to repel. As to the inquiry instituted by the Governor-general, he was bound to make it. It would have been a gross dereliction of his duty if he had not done so—and it appeared to have been conducted with perfect fairness to the parties concerned. Every opportunity for explanation was afforded them, and if they did not make good use of it, it must be ascribed to the stubborn character of the facts.

Mr. *Hawes* said, that notwithstanding the somewhat angry reply of the hon. Member for Newark, he considered himself perfectly justified in bringing the question before the House. Every word he uttered was founded upon the papers laid on the Table of the House by the Secretary for the Colonies, which contained statements of facts upon the authority of the Governor-general of Canada. It appeared by these papers, that the Bishop of Toronto had borrowed trust funds for private purposes, and that the bursar of the college was a defaulter, in the first instance, of no less than 13,000*l.*, 6,000*l.* of which still remained unpaid. No wonder the bursar should be a defaulter, with such an example before him. The uncalled-for display of displeasure on the part of the hon. Member for Newark he could manage to bear, inasmuch as no one single item of the statement he had made had been impugned. He had exaggerated nothing—mis-stated nothing—and if he had failed, in stating the case, to censure severely the conduct of the right rev. Prelate, he should have failed in his duty. The speech of the hon. Gentleman in defence of the bishop, and in censure of the Governor-general, would, in all probability lead to further investigation, [*Hear, hear, from Mr. Gladstone,*] and, perhaps, the result would elicit anything but the cheers of the hon. Gentleman.

Clause agreed to.

On Clause 8, which guarantees the payment of 9,800*l.* to the Churches of England and Scotland,

Mr. *Hume* stated his objections to the clause. He had heard no reason assigned for rendering the consolidated fund of this country liable to the payment of a sum which there were ample means in the colony to meet. He should take the sense of the Committee against the clause, The Committee divided on the question, that the clause stand part of the bill:—Ayes 46; Noes 9: Majority 37.

List of the AYES.

Adam, Admiral
Baldwin, C. B.
Baring, rt. hon. F. T.
Brooke, Sir A. B.
Clay, W.
Darby, G.
Douglas, Sir C. E.
Dunbar, G.
Estcourt, T
Ferguson, Sir R. A.
Fremantle, Sir T.
Gladstone, W. E.
Gordon, R.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Hobhouse, rt.hn. Sir J.
Hodges, T. L.
Hodgson, R.
Hollond, R.
Hope, G. W.
Inglis, Sir R. H.
Irton, S.
Jones, Captain
Langdale, hon. C.
Morpeth, Viscount
Nicholl, J.
Norreys, Sir D. J.
Pakington, J. S.
Parker, R. T.
Pendarves, E. W. W.
Perceval, Colonel
Price, Sir R.
Rawdon, Colonel
Rice, E. R.
Russell, Lord J.
Sanford, E. A.
Sheil, rt. hn. R. L.
Sibthorp, Colonel
Smith, R. V.
Stanley, hon. E. J.
Stock, Dr.
Townley, R. G.
Tufnell, H.
Verney, Sir H.

TELLERS.

Maule, hon. F.
Parker, J.

List of the NOES.

Baines, E.
Hawes, B.
Lushington, rt. hn. S.
Pechell, Captain
Salwey, Colonel
Thornley, T.
Warburton, H.
Ward, H. G.
Williams, W.

TELLERS.

Hume, J.
Lushington, C.

Clause agreed to.

Remaining clauses also agreed to. House resumed.

HOUSE OF LORDS,

Tuesday, July 21, 1840.

MINUTES.] Bills. Read a first time:—Poor-law Commission; Prisons (Ireland); Canal Police; Imprisonment for Debt (Ireland).—Read a second time:—Assessed Taxes Composition; Turnpike Trusts.

Petitions presented. By the Bishop of Ely, from the Dean and Chapter of Ely, against the Ecclesiastical Duties and Revenues Bill.—By Lord Brougham, from various places in Yorkshire, for a Repeal of the Corn-laws.—By the Earl of Delawarr, from Chichester, and Brighton, to be excluded from the operation of the County Constabulary Bill.—By the Earl of Devon, from the Dean and Chapter of Westminster, against the Ecclesiastical Duties and Revenues Bill.—By the Bishop of Winchester, from the Dean and Chapter of Winchester, to be heard by Counsel against the Bill.—By the Bishop of Exeter, from the Dean and Chapter of Wells, from the Parochial Clergy of the county of Cornwall, and from the Archdeacon and Clergy of Stowe, in the Diocese of Lincoln, against the Bill.—By the Earl of Wicklow, from Licensed Victuallers in Liverpool, against parts of the Beer Bill.

REGENCY.] The *Lord Chancellor* said, in moving the Order of the Day for the second reading of the Regency Bill, it was not necessary for him to do more than to request the sanction of their Lordships to its being read a second time.

The Duke of *Sussex* said, that he had taken the liberty to rise first on this important discussion, and he had done so with great diffidence; but considering the peculiar situation in which he stood in this country, he thought that it was his duty towards his Sovereign and towards his family, to express his opinion on this subject, which, he believed, was in perfect accordance with that of their Lordships' House. He meant, however, to limit himself to those observations only which he thought it was expedient to make, and which, from various circumstances, he had never been able to communicate, although it was his most anxious wish and desire to do so. He had another desire in presenting himself to their Lordships, inasmuch as in the tone and temper in which he should take the liberty of addressing their Lordships, he trusted that he might follow the example of their Lordships, for it was an example that ought to be followed, and adopt that temper and moderation in which a subject of such magnitude ought to be considered, and on which, they would permit him to say, all party feeling ought to be laid aside. He had no wish to excite any angry feeling, still less to make any opposition to the bill brought in by his noble Friend, if he would allow him to call him so; but, on the contrary, he wished to follow the example which that noble and learned Lord had set them in his speech on the introduction of this bill—a speech not more distinguished for its perspicuity than its delicacy in relation to the subject in question. He had had some experience in regency bills. He had taken an active part, in the year 1811 or 1812, when the bill was brought forward which placed his late Majesty George 4th in the situation of Regent; and sorry he was, on looking back to the events which took place at that time, to remember how much of acrimony was then displayed on both sides of the House. On the present occasion, however, he was consoled to think that the illustrious lady, our most gracious Sovereign, in communicating her anxious wish to take the advice of her Parliament, in devising the best means to provide for the establishment of a permanent Government, should the sad event occur to which it was impossible to allude without the greatest pain, was not likely to encounter any of the difficulties which arose from the divided feeling of the Legislature at the period to which he had referred. But if the prayer of the nation at large, in which he was sure their Lordships would all fervently join, should be graciously listened to, the contemplated contingency would not occur. In all rightly regulated families, it was proper that the probable or possible contingencies of the future should be considered and guarded against; so that if it should please Divine Providence to deprive the family of its head, the affairs of the house should yet be left in such a state, that those who followed in the succession should be able to enjoy it with comfort and security. It was with this feeling that her Majesty now came down to Parliament to request its advice and assistance. It was seen that the previous precaution which her Majesty took had had a material influence upon her Majesty's health; he meant the first act of securing the succession to the throne to that illustrious relative of his, who, from holding a sovereign authority in another country, was not obliged at this moment to be present here. That illustrious Prince must feel most grateful for her Majesty's kindness and consideration. As the noble and learned Lord had well observed on a former occasion, contingencies were now threatened, against which it was proper to provide; and her Majesty had graciously communicated to their Lordships and to the other House of Parliament her wish to be instructed as to the best course to pursue, and her anxiety to concur in whatever measures might be deemed most fit. Upon a general view of the question, he perfectly coincided both with the principle and the general bearing of the measure proposed. But when he made that statement, he was bound at the same time to declare that there were some points, upon which, if he did not touch, he should consider that he was acting unfairly, and manifesting a want of interest in the welfare of the country which would be most unbecoming in him, the purport of the bill being to secure the rights and power of the Crown, in order to secure the liberties and rights of the people. As to the principle of the bill, it was one to which he had no objection. It involved and admitted the point for which he had contended when the Regency Bill of 1811 was under the consideration of the Legislature, namely, that it was unwise and unsafe in a regency, which by itself was not so strong as the sovereignty, that the ordinary power possessed by the sovereign himself should not be extended to the individual who was to discharge the functions of regent during a limited period. The strength of this argument increased in proportion to the extended duration of the regency. He was, therefore, of opinion, that the regent, whoever he was to be, ought to enjoy, during the period that he exercised the powers delegated to him, all the rights and privileges pertaining to the sovereign. The next point, which was, in fact, the first upon which the noble and learned Lord based his argument on introducing the bill, was the custody of the infant heir. The noble and learned Lord said, that the custody of the infant ought naturally to be left with the surviving parent. To that principle he also acceded. The noble and learned Lord, if he (the Duke of Sussex) remembered right, congratulated the House, and with great justice and propriety, upon the circumstances under which this question was brought forward for consideration. No moment, he said, could be more propitious for the settlement of such a question, because the three branches of the Legislature were at this time fully represented; so that the Crown had the means of supporting its own rights, whereas, on former occasions, and under different circumstances, the power of the Crown being in abeyance or dormant, the whole question was left to the determination of the two Houses of Parliament. This being the case, all the circumstances of the time being of so favourable a nature, why, he must be allowed to ask—why should not the Legislature, in providing for one contingency, go a step further, and take measures to provide also for another, which it was deeply to be desired might be averted —which was not likely to occur, but which was, nevertheless, possible; and therefore, in his opinion, ought to be guarded against. These remarks, which he threw out with great diffidence, must be taken as a proof of the sincerity with which he was speaking. He assured their Lordships that he had had no communication with any individual out of doors upon this subject. From the moment that the question of the regency was agitated up to the period at which he rose to address their Lordships, he had never opened his lips—uttered one word, or expressed one opinion with respect to it. And why? because, from the delicacy of his situation, placed as he was nearest to the throne next after the precedency he had voluntarily resigned to her Majesty at the time of her Marriage; he felt that it would be unbecoming in him to express any opinion upon such a matter. Surrendering his own right of precedence, he had afforded to her Majesty a token of his own good will,—of his own readiness to meet her wishes, and at the same time he had exerted himself as far as he was able to reconcile adverse feelings in other quarters, to which he need not further allude, but which the illustrious Duke (Wellington) opposite would well understand. For the reason he had stated, he had hitherto been totally silent upon the question of the regency. Although it was a matter in which he might be well supposed to feel a deep interest, he would still venture to say that he had not manifested so much anxiety—although he felt it in his breast—to take up the subject, as was often exhibited in both Houses of Parliament to enter upon the discussion of much minor topics—such as turnpikes and railroads, and other matters of the like import. Restrained by the delicacy of his situation—by the duty he owed to his Sovereign, and by the affection he felt for his family—he had suppressed his feelings, and given no expression to his opinions till the moment he rose to address their Lordships. To come back to the point from which he had digressed—would it not be well for their Lordships, in providing a regency, to consider that the Regent himself might be subject to the same awful contingency as that which placed the delegated power of the Crown in his hands? Unless some step were taken to provide for that ulterior contingency, their Lordships hereafter, perhaps, might find themselves placed in the very situation from which the noble and learned Lord had congratulated them at the present moment as being free. He, therefore, begged to throw out as a suggestion, whether, in framing a bill of this nature, attention should not be paid to this subject, inasmuch as that their Lordships would see that should such an event unfortunately take place, the difficulty of providing for the exercise of the functions of the Sovereign, and for the custody of the infant heir, would be greatly increased. It struck him that this was important. It was not for him to say who would be the proper person to be selected as Regent in the event of the second contingency to which he had alluded; but without mentioning names he might be allowed to say that the propriety of devolving the duties of that sacred office upon another illustrious person, and of considering whether some provision to that effect should not be included in the present bill, were matters upon which he thought their Lordships might very properly exercise their better judgment. He had felt it to be his duty to bring this point under their Lordships' notice, and in doing so he thought he had afforded sufficient proof of the disinterestedness of his motives. Selfish or ambitious feelings were foreign to his character. He challenged the noble Viscount at the head of her Majesty's Government, who had known him long, and with whom he had had much confidential intercourse, to say whether, in any one thought, in any one act of his, he had ever shown a feeling of an ambitious character; or whether, whenever the pleasure of her Majesty, or the tranquillity of the country, or the regulation of the laws required the concession, the individual who had then the honour of addressing their Lordships had not sunk the pretensions of his own character at once, and on all occasions given the noble Viscount to understand that he would never be an obstacle to the adjustment of any matter in such a way as should be most pleasing to her Majesty, and most beneficial to the country. He appealed also to his illustrious relative (the Duke of Cambridge), who had been at the head of the government of Hanover for four-and-twenty years, whether in the affairs of that country, involving as they did many transactions of a very delicate nature—he had not invariably pursued the same course—deferring on all occasions his own feelings and own interests to the convenience of the Government and the welfare of the country. He now came to the consideration of another point which was suggested to his mind by an examination of the Act of Parliament passed in the year 1765, to provide for the establishment of a regency, in the event of the death of his Majesty King George 3rd. That Act was certainly founded upon a principle very different from that which formed the base of the bill now introduced. Having stated, however, that he agreed in the principle of the measure now brought forward, he requested his noble and learned Friend to understand, that in arguing the point he was about to advance, he was not to be regarded as contending in any way against the principle of the bill. He was anxious to show what was the course of proceeding in 1765. It was certainly very different from that now proposed. The Houses of Parliament at that time thought proper to invest in the sovereign the right to nominate three individuals to be Regent in case of the demise of the Crown. And on that occasion—the Prince of Wales and the Duke of York then being only born—his Majesty was pleased to name Queen Charlotte as Regent, and in case of her demise, the Princess Dowager of Wales was to be her successor. At the same time his Majesty nominated a Council of Regency consisting of the male branches of the royal family, namely, his brothers the Dukes of York and Gloucester, Prince William Frederick, Prince Henry, who died, and, in addition, the Duke of Cumberland. What was remarkable, too, as showing the anxiety of his Majesty George 3rd to keep the royal family together, as Prince William Frederick and Prince Henry were not at that time of age, his Majesty was careful to make provision to secure their being brought in as members of the council as soon as they should attain their majority. He merely mentioned this to show the object of the King in 1765, and to render more clear to their Lordships' perception the difference that existed between the arrangements made at that time and those now proposed. He perfectly coincided in that part of the present measure which rendered it impossible for the Prince Regent to alter in any way the succession to the throne. He thought that declaration extremely conciliatory to the royal family, and one for which they ought to feel grateful to her Majesty as well as the Government. He thought it equally just and proper that the regent should be restrained from making any alteration in the form of worship or in the rights either of the Church of England or the Church of Scotland. Upon all those points the measure had his perfect concurrence, and he had no doubt would have the concurrence of their Lordships also. He came now to say a few words as to the restrictions imposed by the bill upon the Prince Regent. Upon this point he trusted he should express himself with the same temper as that with which he had cautiously endeavoured to guard all his preceding observations. The point was not a pleasant one to touch upon, but he felt that he had a duty to discharge—a duty which the interests of the country demanded of him, and from the performance of that duty he would not shrink. But he should at the same time proceed with every feeling of delicacy and affection towards the distinguished person who had been chosen Regent, and in whose selection he perfectly agreed. To that distinguished person, as far as he knew him, he felt sincerely attached, inasmuch as that he had found in him a very amiable disposition, and at the time of his marriage had promised him his friendship. Upon that interesting occasion the Prince said he hoped that he might rely on his friendship. He replied that his friendship would be measured by the affection which the Prince evinced towards the Queen, and by the endeavours which he made to render her Majesty happy and comfortable. As long as he had proofs of such conduct on the part of the Prince, so long might his Royal Highness depend on his firm and steady friendship. The conduct of the Prince had been irreproachable, and his friendship had accordingly remained unshaken. But as he had already said, he felt that he had on this occasion a duty to the country to perform; and of that duty, whatever his own private and personal feelings might be, he would fearlessly acquit himself. He hoped that he should be enabled to do so with as much temper as firmness. He found that the only restriction imposed upon the Prince was, that he should not marry a Papist. A wise measure, no doubt; one intimately connected with the security of the country; one upon which the right of the royal family to the succession depended; one, a deviation from which would lose them the throne of these realms, because the compact which brought them here would then be broken, and the contract between them and the country forfeited and void. That restriction was, in his opinion, a just and proper one. But there were other points of consideration. He thought that their Lordships ought to bear in mind the youth of the illustrious individual who was to fill the office of Regent, and to remember that he must have passions like other young men. Therefore, if he were a member of the council, he for one should say that it would be advisable, as well for the happiness of his Royal Highness as for the sake of setting an example of decorum to the nation in the person of the illustrious individual at the head of the Regency, that another alliance should be formed. There being no shackle upon the Prince's inclination — no law, fortunately for him—to prevent his marrying a subject, it would be for their Lordships to consider whether a connection of that sort would be proper. On the other hand, his Royal Highness might form a connection abroad, whether the Government approved of it or not. It was proper, he thought, that their Lordships should take these possible contingencies into their consideration. He thought that a restriction to this extent, that no marriage should be allowed to take place without the consent of the two Houses of Parliament, might be very desirable. At all events it was worthy of their Lordships' consideration. He was the more disposed to dwell upon this point, because it was remarkable that in the last Regency Act there was a clause enabling the Queen Dowager if she were Regent, or the Duchess of Kent if the Regency should fall on her, to marry a subject of this country, but not a foreign prince. This, in his opinion, rendered the point to which he had adverted more worthy of their Lordships' attention. He had ventured to make these observations to their Lordships, thinking that he should not perform his duty if he did not express what, upon reflection, he thought was worthy of their Lordships' attention. It was not his intention to raise any factious opposition whatever to the bill, because, as he had stated before, he felt bound to admit that he thought it was a wise bill, and one that he was sure would conduce to the happiness and tranquillity of her Majesty, who must naturally feel much anxiety upon the subject. To tranquillize her Majesty's mind previous to the time when she would be exposed to those sufferings which Divine Providence had sentenced all womankind to undergo, was he thought, the best thing they could do to promote her happiness. As he had already stated, he had availed himself of no opportunity of stating these ideas elsewhere. He had felt it his duty to give them utterance in that House, and having done so, he should be content to leave them to receive such an amount of attention and consideration as their Lordships might deem them worthy of receiving. It was his intention to support the bill. Upon a question of this kind there should be no difference of opinion. The interests of the country demanded that the Legislature should be unanimous. He had been long opposed to the noble Lords opposite, but had never ascribed to them any other object than that of the interests of the country. Hoping to fill their Lordships' hearts with the same kind feeling that actuated his own, he concluded by saying, " God's will be done."

The *Lord Chancellor* observed, that the situation which the illustrious Duke filled, rendered it natural that he should take that opportunity of stating the views which he took of the measure now under consideration. It was natural that the illustrious Duke should feel great interest in the question, not only from the attachment which he necessarily felt towards the Throne, but from the great regard which he had always shown for the interests of the people. It gave him great satisfaction to find that the illustrious Duke concurred in the general plan and principle of the measure submitted to the consideration of Parliament. There were, however, two points upon which the illustrious Duke had made some observations, to which he would request their Lordships' attention for a very few moments. The first observation of the illustrious Duke went to this: that the provisions of the bill were not sufficiently comprehensive to meet every possible contingency. But it must be borne in mind that it would require the concurrence of two events before the contingency to which the illustrious Duke had referred could arise. And although it was the duty of Parliament, and consistent with the wisdom of Parliament, to make provision by anticipation for events which were dependent upon the duration of a single life, he apprehended it was not consistent either with the usage or duty of Parliament, or indeed with the principles of the constitution, to legislate by anticipation for a longer period than the urgency of the case demanded. It was highly improbable that there should not be an opportunity of again coming to Parliament to make provision against the second contingency to which the illustrious Duke had referred. For that reason it would, in his opinion, be most improper to legislate for it by anticipation. Their Lordships must see, that although they might provide for the termination of two lives, they could not accomplish the object completely, because whatever the number of lives that were included, still contingencies might arise by which those lives might cease to exist. The other point upon which the illustrious Duke had observed, was the different provision in the act of 1830. There certainly was a departure in the present bill from the scheme of that act. A provision contained in the former act had been omitted in the present bill, because the illustrious persons, who, by that act were appointed regents in a possible event, were both females. It was considered by Parliament, that the marriage of females was fraught with more danger than that of males; and by that act a provision was made with respect to the marriage of those illustrious persons. That did not apply in the present case. By a provision in this bill, the regent was not to leave this country; and it was not in the nature of things that a husband should be so little *sui juris* as to be incapable of exercising the responsible functions that had devolved upon him as regent; and it was not to be supposed that power would be exercised over him. Inasmuch as he had generally adopted the scheme of the act of 1830, but in particular instances had departed from it, he had thought it right to mention to their Lordships the reason that had induced him so to act. These were the two points to which the illustrious Duke had alluded. The opinion of the illustrious Duke was entitled to the greatest respect from their Lordships, and would receive it from him (the Lord Chancellor); but he trusted that the remarks he had made, would reconcile the illustrious Duke to the provisions of the bill.

Bill read a second time.

TEMPERANCE (IRELAND).] The Marquess of *Westmeath* wished to remove some misrepresentations which had been made with regard to a question which he put to the noble Marquess opposite the other night respecting the temperance movement in Ireland. He had stated that he thought it would have been better if the Lord-lieutenant of Ireland had expressed his gratitude for certain signs of a return to temperance amongst the Irish people, not in his official, but personal character. He had been represented as deprecating the return of the Irish people to sobriety; but he had done no such thing. There was not a man in Ireland less open to such a charge, which had originated either in stupidity or malice, he could not tell which. He had been twenty-five years in the commission of the peace, and had done everything in his power to discountenance drunkenness, and to promote temperance. The very circumstance of the fever of temperance now going about the country, got up as it had been, and containing in itself an acknowledgment of a frightful degree of drunkenness and inebriety, justified the severest censure that could be passed on the conduct of the Roman Catholic priesthood. That body had had, time out of mind, the care of the lower orders of Ireland, and the superintendence of their actions, and would suffer no one else to interfere in them. Yet here was a practical acknowledgment of drunkenness and immorality made by multitudes assembling together for that purpose, thereby stamping on the Roman Catholic clergy the truth of all the charges he had brought against them. Another misrepresentation was, that he had disparaged the rev. Mr. Mathew. He had said nothing whatever in disparagement of that individual; he said he had done good, and he repeated it. He hoped that the exertions of Mr. Mathew might produce good effects; but he had said that it was not for the Lord-lieutenant of Ireland to mix himself up in that view of the question.

The Marquess of *Normanby* said, it was, no doubt, very natural for the noble Marquess, to take an opportunity of qualifying, rather than of retracting, the expressions he had formerly used.

Subject dropped.

HOUSE OF COMMONS,

Tuesday, July 21, 1840.

MINUTES.] Bills. Read a first time:—Infant Felons.—Read a second time:—Postage; Bank (Ireland); Turnpike Acts Continuance (Ireland).—Read a third time:—Imprisonment for Debt (Ireland).

Petitions presented. By Mr. Fielden, General Johnstone, and Sir B. Hall, from Todmordon, Huddersfield, Marylebone, and a considerable number of places, against the New Poor-law, and against the Poor-law Commission Bill.

POOR LAW COMMISSION.] Lord J. Russell moved, that the Poor-law Commission Bill be read a third time.

Mr. *Grimsditch* rose to move as an

amendment that the bill be read a third time that day three months. This commission had been appointed six years ago for the purpose of establishing an uniform system of Poor-law in the various unions into which the kingdom was to be divided. Those unions had been pretty generally established, but if they had not been universally so in the kingdom, the system was now so well understood that the machinery of the commissioners was no longer necessary. He perceived, however, that though the Poor-law Commissioners was intended at first to be only temporary, yet that it was contemplated to have a body something in the nature of a Poor-law commission permanently at Somerset-house, in order to carry out more generally and strictly the favourite project of establishing a workhouse test throughout the country. He had no objection, whatever, to have that test applied to the idle and the dissolute, but he should ever protest against its application to the honest but unfortunate poor. He did earnestly hope that early in the next Session Government would bring in a bill for the total abolition of the commission, and for the relaxation of the workhouse test, and thus set the minds of the people at rest upon the matter, and get rid of that general discontent and dissatisfaction which prevailed with respect to it. The hon. Member concluded by submitting his amendment to the House.

Mr. *Slaney* contrasted the state of the poor in our workhouses in former times with what it was at present. Instead of that indiscriminate admixture of poverty and vice which formerly prevailed, they now had that classification which tended so much to improve the condition of the inmates. He also contended that the condition of the poor generally was improved—that those incendiary fires which prevailed so extensively in agricultural districts some years ago had now all ceased—a proof of the improved moral condition of the labouring classes. The New Poor Law had also saved three millions a year to the country. But, large as that saving was, he would not defend it on that ground, if he did not find it in other respects beneficial to the public. He would refer as an illustration of the improved system in workhouse unions to the Norwood schools. Formerly the system with respect to the conduct of the children in those schools was so bad, that few persons could be induced to take them as servants; whereas at present, the demand for them as servants was greater than the age of those in the schools could supply. He would admit that some relaxation of the workhouse test might be desirable in some cases, and if that were done, the law would work most beneficially for the country.

General *Johnson* denied, that the saving so much talked of had any existence, except in the speeches of those who spoke of them, and eventually it would be found that the expenses would be increased. With respect to the Poor Law Commissioners, he would say, that they had ample time to carry out the law, and were no longer required. The act itself was so opposed to the feelings of the people, that it would be impossible to work it without the aid of the new rural police. He would support the amendment.

Mr. *L. Hodges* would not now oppose the third reading of the bill, but he hoped that the country would no longer be saddled with the expense of Poor Law Commissioners, which could not now be necessary.

Mr. *Buck* thought it was most injurious to the principle which the Government sought to establish, to have the settlement of this question delayed from time to time. He hoped that Government would bring in a bill for the purpose of settling it early in the next session.

Mr. *W. Williams* contended, that nothing had yet been shown to prove that the Poor Law Commissioners ought to be continued. There was, he maintained, no necessity for this bill now, for the noble Lord (Lord J. Russell) had promised to introduce a bill on the subject early in the next session.

Mr. *Ward* did not think that the present was the proper period for discussing the merits of the bill; but, without intending to go into those details, he must observe that the Poor Laws had effected a very considerable saving to the country.

Mr. *Darby* would not oppose the third reading; but though he wished much that the question were settled, he was rather glad than otherwise that the bill which the noble Lord had introduced this Session, and subsequently withdrawn, had not come into a law, as it would have made things infinitely worse than they were before.

Mr. *Wakley* would vote against the third reading, for he would oppose the continuance of the Poor Law Commissioners even for a day. He was glad that the noble Lord's bill had been withdrawn, for he admitted that it would have effected no mitigation of the sufferings of the poor.

Sir *C. Douglas* would also support the amendment, because he was anxious to get rid of the Poor Law Commissioners.

Colonel *Sibthorp* denied that the New Poor Law had been productive of any good. He had ever protested against the bill as most injurious, oppressive, and degrading to the poor man and the country. He had daily instances before him on his own property of the bad effects of this law. He had heard of a pledge on the part of the Government that a bill should be introduced next session to settle this question; but he owned that he had no respect for such pledges, or those who made them. He would not trust any one of them with a *5l.* note of the public money. He had no confidence in the present Government, for a more inactive, more weak, more ignorant set of men than the present Ministers, he never knew. He earnestly hoped that the country would soon be rid of that most useless body.

Mr. *F. Maule* said, that the opinions of the hon. and gallant Member had not much influence in the House, and fortunately were not calculated to do much harm out of it. The only question they had now to consider was, whether they would renew the bill for one year, to prevent things being thrown into confusion, until time should be afforded for considering the question fully early in the next Session.

Sir *F. Burdett* said, he agreed entirely in the sentiments which had been expressed by the hon. and gallant Member for Lincoln, as to the enormous powers which were given to the Poor-law Commissioners. He thought the present machinery of the Poor-law system was not necessary for the purpose, and that when the expense was taken into consideration, it would be found that it had not answered in that respect. It had, too, created an ill feeling that had never before existed in England between the labouring classes and their employers, between the rich and the poor; that was one evil arising from it which ought to be remedied. When it was considered that generally the poor man wanted only temporary relief, it was hard to throw him into such a situation that he must either starve or go into the workhouse. He regretted that this bill should be passed at this period of the Session, when it seemed highly dangerous to reject it altogether, but he must say, he thought it was not giving fair play to the public. The experiment had been tried now for a long time, and he hoped that early in the next Session the noble Lord would make some material alteration, and take away from the Poor-laws those oppressive clauses which put an end to all good feelings, and to all possibility of cultivating them by gentlemen in the country with respect to their poor neighbours.

Mr. *W. Attwood* said, that when the noble Lord objected, on a former occasion, to postpone the third reading of this bill, he appeared to congratulate himself on the almost unanimous concurrence of the House on this subject. The present discussion would show the noble Lord that the opinions of a great number of hon. Members were not so favourable to the Poor-law Amendment Act as he supposed, and if the prolongation of the Act had been proposed at an earlier period of the Session, he had great doubts whether the House would have sanctioned the continuance of the Act in its present state. The arguments of his hon. Friend, the Member for Macclesfield appeared to him to be perfectly fair and just; because, when the powers of the commissioners were about to expire, did the noble Lord come down with a full and complete measure to introduce into the Poor-law Act those important alterations, which, he believed it was acknowledged on all sides, were imperatively required? When the noble Lord submitted to this House a measure in a former Session for prolonging the Poor-law Act, it was unaccompanied by those alterations which he thought from the feelings expressed in this House, he was justified in saying were really necessary; nor was the measure brought forward at a time when the House had a fair opportunity of discussing it. The House, however, consented to prolong the powers of the commissioners for one year, but then it was only with the express understanding that early in this Session a measure would be brought forward comprising the necessary alterations. In 1839 the noble Lord could not say he was not prepared with the information that was requisite for bringing forward such a measure, because he had had before him for some time the report of the committee that was appointed to consider this subject. And he must remind the House, that that committee was appointed on the nomination of the noble Lord himself, to satisfy the people that all the complaints they had made should be enquired into and redressed. And yet from the moment the report was laid on the table in 1838 to the present time, not a single step had been taken to carry into effect one of the recommendations of that committee. The noble Lord might say, perhaps, that many of those recommendations were such as he could not propose in a bill for prolonging the powers of the commissioners; but then there were others which required no act to carry them into effect, but only the simple interposition of the noble Lord in requesting the commissioners to exercise the powers vested in them in the way expressed by this House. This was the real question before the House. They were not opposing this bill from hatred of the Poor-law Act, but because they considered the Poor-law Commissioners had placed themselves in direct opposition to the House of Commons by their delay and refusal to adopt the recommendations which were expressed in the report of a committee appointed by the House. He thought, then, that those with whom he acted on this occasion were perfectly justified in calling on the noble Lord to say whether those practical alterations were to be carried into effect by the commissioners, if they consented to the prolongation of their powers. The House were not to say they abandoned their superintendence of the proceedings of the commissioners; but he would remind them, that the recommendations of the committee were of a very important nature and yet the resolutions of the commissioners were in many parts directly opposed to the report of the committee. The question the House had now to decide was this—whether they were prepared to support the report of their own committee, or the resolutions of the commissioners in opposition to it. If they supported the commissioners, then he maintained that practically they gave up altogether all control and interference on the part of this House; for if they showed the commissioners that notwithstanding the report of a committee they were to go on exercising their powers without paying attention to such recommendations, they could not expect in future they would pay more attention to the interference of this House by means of a committee than they had done in time past. If, indeed, the report of the committee were to be considered fruitless in every respect, then he thought that he and his hon. Friends were fully justified in taking their present course, and that they were doing nothing that was unparliamentary in opposing entirely the renewal of the powers of the commissioners, for the only ground for these powers being renewed was this—that they were intrusted to the commissioners to be exercised under the supervision of this House, and yet it was now shown that no interference on the part of this House would be recognized by the commissioners.

Lord *J. Russell* said, that with regard to the observations of the hon. Gentleman who had just spoken, they seemed to show that he had given much valuable time and attention to the history of the Poor-law Amendment Act, and the proceedings connected with it, in the various Sessions of Parliament. Now, the hon. Member for Macclesfield, in speaking of the history of the Poor-law Amendment Act, said it was only a temporary act, and the powers of the commissioners were only temporary. But the intention of those who introduced the measure was, that the commissioners were to be a permanent body; and it was only because the experiment was new, and might lead to very important consequences, that five years were taken as the time for the duration of the power of the commissioners, so that Parliament might again have the opportunity of considering the subject. The hon. Member for Greenwich had asked why he had not proposed to follow the recommendations of the committee. The fact was, that most of them were recommendations as to the mode of administering the law by the commissioners, and had been sedulously attended to by those gentlemen, and the greater part of them practically carried out. With regard especially to the most important part—that which related to medical relief—the commissioners had given the greatest attention to the subject, and had deavoured to carry into effect the recommendations of the committee. But there were other recommendations of the committee which required the sanction of that House—such as the extension of the powers of the commissioners to certain places that were not under their operation at present; and if he had proposed any measure for that purpose, great opposition would have been made to it, and many nights would have been consumed in committee before it would have been allowed to pass through the House. It was, then, for him to consider whether there were not more important subjects for him to bring forward, and which he must have time to get through this session. But he wished to have carried on the Poor Law Amendment Bill this Session: and what was the objection? The objection made to his doing so was, that he had not proposed to amend the Act of Registration of Electors, and that that was too important a subject to be delayed. Unless, therefore, the House were willing to sit till October or November, the present course was forced upon him of proposing merely a bill for the continuance of the Poor Law Commission. He would introduce a bill for the amendment of the Poor Law in the beginning of the next Session; and having been so frequently attacked for not introducing bills with respect to registration in the present Session, he should think it necessary to introduce measures connected with that subject also in the ensuing Session. But he must say, that it was not quite fair in the first place to attack him for not bringing in certain bills, and, in the next place, when those bills were introduced, to attack him for not having brought in other bills.

Mr. *Muntz* could not agree with the hon. and gallant Member for Lincoln that the entire blame for the introduction of this measure rested with the Ministers. Both the parties in that House were equally liable to blame on the subject. He protested against the bill altogether, because he thought it inflicted a serious evil on the working classes, and believed its operation in manufacturing towns was even more severely felt than in agricultural districts. He could not see the justice of refusing a little out-door relief to an honest but poor man who really stood in need of it.

The House divided on the original question:—Ayes 74; Noes 16: Majority 58.

List of the AYES.

Adam, Admiral
Ainsworth, P.
Alston, R.
Archbold, R.
Baines, E.
Bannerman, A.
Baring, rt. hn. F. T.
Barrington, Viscount
Bernal, R.
Bridgeman, H.
Buck, L. W.
Buller, E.
Buller, Sir J. Y.
Byng, G.
Chichester, Sir B.
Childers, J. W.
Cowper, hon. W. F.
Darby, G.
Elliot, hon. J. E.
Euston, Earl of
Evans, G.
Ewart, W.
Ferguson, Sir R. A.
Finch, F.
Gladstone, W. E.
Gordon, R.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Hawes, B.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Horsman, E.
Howard, hn. E. G. G.
Ingham, R.
Inglis, Sir R. H.
Knight, H. G.
Langdale, hon. C.
Morpeth, Viscount
Morrison, J.
Muskett, G. A.
Norreys, Sir D. J.
Paget, F.
Palmerston, Viscount
Parnell, rt. hn. Sir H.
Philips, M.
Pigot, D. R.
Protheroe, E.
Pryme, G.
Pusey, P.
Rawdon, Col. J. D.
Rice, E. R.
Roche, W.
Russell, Lord J.
Russell, Lord C.
Salwey, Colonel
Sanford, E. A.
Scrope, G. P.
Seymour, Lord
Sheil, right hon. R. L.
Slaney, R. A.
Smith, R. V.
Style, Sir C.
Thorneiy, T.
Townley, R. G.
Troubridge, Sir E. T.
Tuffnell, H.
Vigors, N. A,
Vivian, Major C.
Vivian, rt. hn. Sir R. H.
Ward, H. G.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.

Maule, hon. F.
Parker, J.

List of the NOES.

Attwood, M.
Bainbridge, E. T.
Brotherton, J.
Collins, W.
Douglas, Sir C. E.
Duncombe, T.
Fielden, J.
Gore, O. J. R.
Grant, Sir A. C.
Hindley, C.
Irton, S.
Johnson, General
Muntz, G. F.
Parker, R. T.
Sibthorp, Colonel
Williams, W.

TELLERS.

Attwood, W.
Grimsditch, T.

Bill read a third time and passed.

BOUNDARIES OF CORPORATE TOWNS (IRELAND).] Viscount *Morpeth* begged the indulgence of the House in moving for leave to bring in a bill to define the boundaries of corporate towns in Ireland, and to grant compensation to corporate officers in certain cases. He knew the course he was taking was somewhat irregular, but he thought the circumstances of the case would render it excusable. The present bill which he proposed to bring in had reference to the Municipal Corporations (Ireland) Bill, which was at that time pending in the House of Lords. The propositions of the present bill were certainly not such as he thought necessary or called for by the circumstances of the case, but those propositions had originated in the other House of Parliament, and as that House could not, with safety to the right claimed by this House of originating all money bills, originate a bill that might impose a public burden, and as in the absence of such a bill as the present there was reason to fear that the Municipal Corporations (Ireland) Bill might be delayed, her Majesty's Government had come to the decision of asking for leave to introduce a bill to adjust the boundaries of corporate towns according to the Municipal Corporations Bill as it came down from the other House of Parliament in the last Session of Parliament; and further to provide compensation for corporate officers who, in the opinion of the other House, had not been sufficiently provided for by the bill as it was sent up from this House.

Leave given.

HOUSE OF COMMONS,

Wednesday, July 22, 1840.

Minutes.] Bills. Read a first time:—Attorneys and Solicitors (Ireland); Slave Trade (Venezuela); New South Wales and Van Dieman's Land; Sugar Excise Duties.—Read a second time:—Constabulary; Slave Trade Treaties; Blenheim Palace.

Petitions presented. By Captain Pechell, from Lewes, by Mr. Villiers, from Horsleydown, Langfield, and various other places, for Repeal of the Corn-laws.—By Mr. Briscoe, from Westbury, for the Release of John Thorogood.—By Mr. French, and Sir W. Somerville, from Medical Practitioners of Wexford, and Drogheda, in favour of Medical Reform.—By Mr. T. Duncombe, from the Democratic Abstinence Society, for Universal Suffrage; from Sheffield, against the Law of Libel; and from York, and other places, complaining of the Treatment of Political Offenders.—By Mr. Hume, from a place in Scotland, for the Dismissal of Ministers, and for the Release of Political Offenders.—By Mr. L. Bruges, from the Mechanics' Institution of Bath, that Mechanics' Institutions might be exempted from all Taxes, Parliamentary and Parochial.—By Dr. Lushington, from Barbadoes, for the due Protection of Liberated Negroes by the Laws of that Island; and from Stepney, against Church Extension.—By Mr. Wakley, from Glasgow, for the Dismissal of Ministers, and complaining of the Treatment of Fergus O'Connor and others, and praying for a Mitigation of their Punishment.—By the Attorney-general, from the Ushers, and Judges' Clerks of the Court of Exchequer, for Compensation in case the Bill for the Abolition of the Equity side of that Court should become law.

Affirmations.] On the Order of the Day for the House resolving itself into Committee on the Affirmation Bill being read,

Mr. *Goulburn* said, that the House had as yet not had the advantage of having heard the merits of this bill discussed, as it had hitherto been advanced to its present stage on the credit of its resemblance to another bill, which had last Session been rejected by a large majority. There were certain sects recognised by law, who had a conscientious objection to the taking of an oath, and the Legislature had given them indulgence. But this measure went upon a different principle; it gave an indulgence not to the members of any recognised sect, but to individuals. Now although he was willing to grant all necessary relief to the consciences of individuals, yet the House must take care that this was not attended with disadvantage to the public. That there was to be a limit to conscientious scruples was admitted by the very bill before the House, which limited it to individuals who professed Christianity. The hon. Gentleman, the author of the Bill, had no regard for the conscientious scruples entertained by the Mussulman or Hindoo. The first question was as to the mode in which the hon. Gentleman proposed to ascertain the conscientious scruples. This bill was a legislative curiosity. The principle on which it proceeded, in the first place, was, that any person who professed that he himself entertained objections to taking an oath, although the creed to which he belonged did not contain anything against the taking of oaths, was to possess this extraordinary qualification, to which he begged to call the attention of the House, because he believed it to be quite new in legislation. An individual, by this bill, would have to produce the testimony of one or more witnesses before two justices of the peace, not that he had declined to take an oath on particular occasions, but that they believed he had a conscientious objection to taking an oath, and that he believed the taking of an oath to be forbidden by the law of God. If he had brought forward a bill avowedly for the purpose of protecting the liberty of conscience, he thought he would have been obnoxious to censure had he obliged, by its provisions, a person to bring forward other persons to make oath as to the motives or belief of a third person. But suppose the person had procured the two witnesses, and had received a certificate which was to be enrolled in every quarter session in the kingdom, he would then be at liberty to decide upon every occasion whether he would give his testimony on oath or not. Now he thought, that such a power lodged in any individual or number of individuals, would prove the greatest possible inconvenience to public justice. Suppose the man to be conscientious, and he was called as a principal witness upon a criminal prosecution, he refused to be sworn, and stated, that some ten years previously he had in the northern parts of England, or in the distant Cornwall, appeared before the magistrate and obtained a certificate under this bill, what would be the cross examination of the adverse counsel?—not as to the facts of the case, but as to the truth of the declaration made by the witness, and upon that would be founded his address to the jury. The general opinion of the people of this country as to the great efficacy and stringency of an oath over a mere assurance would have a decided influence with a jury. These observations applied to the case in which they would have to do with a conscientious non-juror; but supposing they had to deal with an insincere person, what an opportunity was given to men of this description to commit injustice and fraud. There were such things as willing and unwilling witnesses, and the latter would resort, at once, to not giving testimony on oath, and thereby would enable the counsel to argue that all his declarations were mere inventions and not entitled to credit. But there was a more important question. A man might be called upon to serve as a juror—nay, might put himself forward for that purpose, and decline to be sworn, but profess to take the declaration. The criminal might be tried, convicted, and punished, and afterwards it might be found that he had not been sworn, but had taken the declaration, which would be of no avail, because he had not taken the declaration before a magistrate. What kind of verdict would that be? It would be that of a man not sworn, and, therefore, invalid. Was that a situation in which to place the judicature of the country? He said, if they wished to defeat the ends of justice, they could not devise a better means of doing so. He admitted there might be inconvenience in the present system, but they were of very rare occurrence; and he would ask, whether it would be well to get rid of partial evils by the introduction of a measure which would threaten the administration of justice in all its branches. But the bill would not realise the intentions of the hon. Gentleman. By the bill, a man would be called on to make a solemn declaration; but such a declaration assumed a religious character, and there were many who would have the same objection to it as to the taking of an oath. On the whole, he believed, that if they passed the bill, they would find the difficulties it would involve so great that they would have no resource but the repeal of the law, or a general declaration that testimony in courts of law should be without any solemn sanction. He would, therefore, move that the House go into committee that day three months.

Mr. *Hawes* said, that the right hon. Gentleman was quite consistent in opposing the bill, though he was not consistent with himself as to the grounds on which he placed his opposition. Last year, the right hon. Gentleman had opposed a similar bill on the ground that it offered no security that the objections of parties to the taking of oaths were conscientious. In the present bill, a clause had been introduced requiring that parties who objected to the taking of an oath should produce a certificate of their religious professions. The right hon. Gentleman was opposed to that provision, and he also complained that the bill did not give relief to all the parties for whom relief was intended. But one of the objections of the right hon. Gentleman last year was, that the bill was too extensive in its provisions. It was hard to please the right hon. Gentleman, and it would be better for him to state at once that he objected to any change whatever. The present system was equally liable to objections, and did not provide a guarantee that parties who stated themselves to belong to the sect of Quakers or other sects which were now relieved from taking oaths really did belong to them. What became, then, of the right hon. Gentleman's objection on that score? The right hon. Gentleman, knowing he could not maintain his proposition for a moment, sought to inflict upon every conscientious member of the Church of England that which was in effect a disqualification. He had taken every precaution in the bill to ensure the administration of justice. Every party who objected from religious scruples to take an oath, must produce evidence as to his character, and have made previously a declaration that he had conscientious scruples against taking an oath. On the ground that conscientious scruples should be respected, and that the provisions of the bill rendered it impossible that unconscientious persons should avail themselves of the exemption, it being conceded on all hands that the unconscientious person would take even an oath falsely, he hoped the House would agree to the bill. There were persons who entertained this scruple, not belonging to the privileged sects, but who were scattered over all other sects. There were many members of the Church of England who felt strong objections to oath-taking. The gentleman who drew up this bill did not belong to the privileged sects, and yet he had made great sacrifices, not merely because he would not take an oath, but because he was in an office in which it was a part of his duty to administer oaths. He had resigned his appointment on that ground. He trusted the House would not now refuse to sanction a principle which it had sanctioned in many previous Sessions.

Sir *R. Inglis* entertained a very different hope from that expressed by the hon. Member who had just stated, that the House could not refuse to sanction a principle which it had sanctioned in former Sessions. The hon. Gentleman might with more reason say, that the House ought to agree this day to the principle to which it agreed on Tuesday last.—[*Hear, hear.*] The hon. Gentleman had referred to the case of an individual who made great sacrifices to his conscientious scruples. With that individual no man could sympathise more than he did. Still they were not at liberty to break down the sanctity of that barrier, which all civilized countries had considered a protection to society, namely, the sanctity of an oath, merely in deference to the conscientious scruples of a small number of individuals. Whatever might be the merits of the bill, it was not a bill to relieve members of the Church of England—it was not professed to be such. He contended that a man who objected to an oath as inconsistent with the duties of a christian man, was not a member of the Church of England. The 39th Article of religion relating to the taking of oaths, expressly said,

> "We judge the Christian religion doth not prohibit, but that a man may swear when the magistrate requireth it in a cause of faith and charity, so it be done according to the prophets teaching, in justice, judgment, and truth."

He contended, that as long as that remained an Article of the Church of England, though a man's scruples might be respected as a Quaker, or a Moravian, or a Separatist, yet that no man had a right to call himself a member of the Church of England, who held that the taking of an oath was inconsistent with the law of God. He perceived that the right hon. Gentleman opposite, formerly a Chief Justice, (Sir C. Grey), was burning with impatience to answer him.—[Sir *C. Grey, Hear, hear.*]—He had on different occasions addressed the House in opposition to bills brought forward on similar principles. Men spoke more restrictedly and more carefully when speaking under the sanction of an oath, than when speaking under no such sanction. He knew we ought to speak with the same regard to truth whether speaking an oath or not; but they would disown all experience, if they did not admit that persons spoke much more restrictedly and carefully when speaking, on an appeal to God or God's own book, than when speaking under other circumstances. It must be in the recollection of many hon. Gentlemen who had ever been in courts of justice, that persons who were perfectly willing to make statements when they were in a private room, frequently paused and hesitated when they were called on to make them on oath. He thought it would not be safe to leave these things to the discretion of individuals, or relax that bond of society which the taking of an oath had been in all ages of the world. The present bill did not provide for the doing away with the taking of oaths altogether; but it followed, that if such a bill should be brought forward, the hon. Member who brought forward this motion ought in consistency to give his support to such a bill. Believing, as he did, that it was not safe to relax the restriction of oaths in the present state of society, he should vote in favour of the amendment of his right hon. Friend.

Sir *Charles Grey* acknowledged that it was not without considerable impatience, and even something approaching to intolerable impatience, that he heard his hon. Friend, the Member for the University of Oxford state, that no man could pretend to be a member of the Church of England who had the least scruples against taking oaths. His hon. Friend formed that argument upon one of the articles of the Church of England. When he remembered there was a text which said, "Swear not at all," he thought a person might reasonably, with every inclination to adhere to the Church of England—and give his acquiescence to the articles—entertain objections to taking an oath. He had sat as a judge in India, and he could not help remembering, that if an implicit adherence to that one of the thirty-nine articles quoted by his hon. Friend was absolutely indispensable to prove a man to be a Protestant Christian, he must also give an implicit adherence to another of those articles which would condemn one hundred millions of persons, among whom he had lived, to eternal punishment. He had signed the articles in his youth, when he matriculated in the University, of which the right hon. Baronet was the representative; but if he were to be called upon to do so now, as a test of his adherence to the Church of England—if they were to be taken literally, according to the words contained in them, he should long pause before doing so. He believed that it would be impossible to conduct the business of a court of justice, unless they allowed some substitution for the strict and formal mode of the oath now administered. In India they were obliged to substitute for the oath administered to Christians, a form of oath which was considered binding upon the Hindoos, that of swearing them upon the Ganges water, and making them swallow a portion of it, and it was deemed by the people, that if they spoke untruly, some immediate punishment would befal them; but when this practice, which had prevailed secretly for some years, became known, it was held by the Hindoos generally, that this was such a degradation of the ceremonies of their religion, that it would not be a greater crime to commit perjury, and accordingly an act was introduced into Parliament, giving the courts in India liberty to administer the oath in whatever way was most binding on the consciences of the people. He thought the course of justice in this country would be best advanced, by allowing witnesses to give their evidence under such obligation as they should deem to be most binding on their consciences.

Mr. *Ewart* thought the members of the Church of England had great cause to complain of the course which had been pursued on this occasion by the hon. Baronet, the Member for the University of Oxford, and the right hon. Gentleman, the Member for the University of Cambridge. Whenever any measure was brought in, like this, which opened the door of the Church to a large number, by giving facilities to conscience, those individuals came down, with all the zeal of enthusiasts, to oppose it. This bill was to give relief to members of the Church of England, who entertained scruples in taking an oath, and down came the members for the Universities of Oxford and Cambridge, with narrow sectarian views to resist it. The tendency of their conduct was to reduce the Church of England to a small sect. The hon. Baronet, the Member for the University of Oxford, had accused the Church of England of an act of tyranny over the consciences of men, by imposing upon them the necessity of taking oaths; and the hon. Baronet asserted, that this arbitrary power was exhibited in one of the thirty-nine articles of that Church. The hon. Baronet, however, had been unjust towards the Church of England; for the very article to which he had referred used these words: "That it doth not prohibit men, if they think fit, from taking an oath." Therefore the article was not compulsory, but promissory only. It did not say, "If you do not take an oath, you are not a member of the Church of England;" all that it did was to allow those who pleased to take an oath. But why did not the hon. Baronet act consistently? He granted liberty to members of other religious sects—the Quakers, the Moravians, and the Separatists, to dispense with taking oaths. Why should he deny the same liberty to conscientious members of his own sect? The hon. Baronet did not do justice to that church, the cause of which he came forward to support. The right hon. Gentleman the Member for Cambridge, had said, that if the bill went so far why not farther. Why should it be limited to Christians? Why not extend it to all persons? The answer was, that his hon. Friend did not contemplate a general measure; his only object was an extension of an existing principle. He found the principle existing, and he proposed to extend it to other sects as well as to the Quakers, Moravians, and Separatists. The right hon. Gentleman had said, if you extend it to all Christians, you ought to extend it to Mussulmans, but Mussulmans took the oath already. They swore on the Koran. He gave his support to the bill of his hon. Friend, as a measure founded on principles of justice and policy, and highly calculated to promote the best interests of both morality and religion.

Mr. *Warburton* observed, that in some cases the testimony of an individual might be valuable to himself; but in ninety-nine out of every hundred cases the testimony was for the benefit of other parties. Now, if the House did not pass this bill, they would deprive those other parties of the power of receiving the testimony of honest witnesses; and if they wanted the testimony of an unwilling witness, he might say, that he declined to take an oath—that he believed in the literal meaning of the command, "swear not at all," and thus an unwilling or dishonest witness might avoid giving any testimony. The majority, therefore, were interested in this measure, and they were not legislating for individuals, but for the public generally, and were enabling them to obtain the testimony of parties who had, or professed to have, scruples of conscience.

The House divided on the original question:—Ayes 91; Noes 59: Majority 32.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Alston, R.
Archbold, R.
Baring, rt. hn. F. T.
Barnard, E. G.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brownrigg, S.
Bryan, G.
Campbell, Sir J.
Childers, J. W.
Clive, E. B.
Dalmeny, Lord
Denison, W. J.
Duncombe, T.
Elliot, hon. J. E.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Fielden, J.
Finch, F.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Greenaway, C.
Greg, R. H.
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Hastie, A.
Hawkins, J. H.
Hill, Lord A. M. C.
Hobhouse, rt.hn.Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, hn. E. G. G.
Howick, Lord
Hume, J.
Hutt, W.
Hutton, R.
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lennox, Lord A.
Lushington, C.
Lushington, rt. hn. S.
Mildmay, P. St. J.
Morrison, J.
Muntz, G. F.
Muskett, G. A.
Oswald, J.
Paget, F.
Parker, J.
Pattison, J.
Pechell, Captain
Philips, M.
Price, Sir R.
Protheroe, E.
Fryme, G.
Rawdon, Col. J. D.
Rice, E. R.
Roche, W.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Scholefield, J.
Seale, Sir J. H.
Sheil, rt. hn. R. L.
Smith, B.
Smith, R. V.
Somerville, Sir W. M.
Stanley, hon. E. J.
Steuart, J.
Stewart, J.
Style, Sir C.
Teignmouth, Lord
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Warburton, H.
Ward, H. G.
Williams, W.
Wood, B.
Worsley, Lord
Wrightson, W. B.

TELLERS.

Hawes, B.
Ewart, T.

List of the NOES.

A'Court, Captain
Ashley, Lord
Baillie, H. J.
Baring, H. B.
Barrington, Viscount
Bentinck, Lord G.
Blackburne, I.
Blair, J.
Blennerhassett, A.
Botfield, B.
Bradshaw, J.
Broadwood, H.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C.
Castlereagh, Viscount
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, Sir T. J.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
Eliot, Lord
Estcourt, T.
Gaskell, J. Milnes
Gladstone, W. E.
Graham, rt. hon. Sir J.
Granby, Marquess of
Harcourt, G. G.
Hawkes, T.
Hodgson, R.
Hogg, J. W.
Hope, G. W.
Ingestrie, Viscount
Irving, J.
Kelly, F.
Knight, H. G.
Lascelles, hon. W. S.
Lincoln, Earl of
Lockhart, A. M.
Mackinnon, W. A.
Mathew, G. B.
Nicholl, J.
Peel, rt. hn. Sir R.
Perceval Colonel
Praed, W. T.
Pusey, P.
Richards, R.
Sandon, Vicount
Sheppard, T.
Somerset, Lord G.
Sturt, H. C.
Thornhill, G.
Vere, Sir C. B.
Young, J.

TELLERS.

Goulburn, rt. hn. H.
Inglis, Sir R. H.

House in Committee.

On Clause 3, which provides that a person making the solemn affirmation and declaration without having subscribed the preliminary declaration, shall be guilty of a misdemeanour, and, on conviction, be imprisoned and kept to hard labour for a period not exceeding six calendar months,

Mr. *Finch* objected to the imposition of hard labour as part of the penalty; he thought the simple imprisonment would be quite sufficient, and he would therefore move as an amendment to leave out the words, "and kept to hard labour."

Mr. *Hawes* was willing to accede to the request of the hon. Member so far as to leave it optional with the judge; inserting, therefore, the words "with or without hard labour;" but at the same time he was bound to tell the committee that this part of the bill had been deeply considered by a learned judge, who had thought this limitation proper.

The *Attorney-General* had no prepossession in favour of hard labour as a punishment; and he thought that it ought never to be inflicted, because it was an infamous punishment, unless in infamous cases. Here, however, they had a party virtually guilty of perjury; and if ever this degree of punishment ought to be inflicted, this was the case in which it ought to be retained.

Sir *Robert Peel* said, that there were two certificates which must be perfected before the party could be exempted. First, there must be the certificate of two magistrates that the party was a moral and religious character, and having that certificate he must go to the quarter sessions, or such places as oaths of allegiance were taken, and there enter into the declaration. Now the party could produce the certificate of the magistrates, yet that alone would not be sufficient; he must also produce a solemn declaration, and that second never could be produced, because it must be entered in a book and filed in the court. He would ask the hon. Gentleman who introduced this bill, what would happen if a party, summoned suddenly as a juror or a witness, should have a conscientious objection to take an oath, and yet should not have made the preliminary declaration, would the hon. Member prosecute such a man?

Mr. *Hawes* replied, that very point was embodied in a bill introduced last year, and objected to effectually by hon. Gentlemen opposite: but if the right hon. Baronet would allow him to put his name at the back of a bill to allow an immediate declaration, he would immediately draw a bill, and introduce it in the next session. He was afraid it was an appeal in vain.

Clause with amendments agreed to.

Upon the schedule,

Sir *R. Peel* said, that he objected to the bill now before the House, because he conceived that the result of it would be to allow every person called upon to give evidence in a court of justice to do so upon such a form of affirmation as he pleased to say was binding upon his conscience. The certificate required to be produced, signed by two magistrates, of the good moral character of the man, was as objectionable as the rest of the bill, and it, in fact, destroyed the principle of the measure. He could understand a man entertaining a conscientious scruple to an oath, but to say that that scruple should not be attended to until the certificate of the religious character of the man was produced, which some difference in creed between him and the magistrate might prevent the latter from granting, would be going too far. He begged to point out these circumstances as defects in the bill, upon which it was impossible that, as an act, it could be carried out.

Mr. *Hawes* complained that these general objections should be brought forward at so late a period of the discussion upon this measure as upon the schedule being proposed to be agreed to. With regard to the certificate, any person of known good character could obtain it from a magistrate upon the representation of two credible witnesses; the burden of certifying, therefore, not being thrown upon the magistrate from any knowledge of his own. This, however, was not an objection which must be fatal to the bill, and he thought that it ought not to be rejected upon such a ground. The same law which was proposed to exist in all cases had already been long in force with regard to Quakers and other separatists, and the evidence of persons of those creeds, which had been hitherto excepted from the general rule, had been received with the greatest confidence. He conceived, that the bill might be easily amended to suit the views of the House.

Schedule agreed to, and bill ordered to be reported.—The House resumed.

PUNISHMENT OF DEATH.] Mr. F. Kelly moved the Order of the Day for bringing up the report on this bill.

Mr. *Fox Maule* said, that as the House was so thin he thought it inexpedient to take the final division upon the present stage of the bill. His objections to it, however, remained the same. The more he looked at the measure, the more convinced he was of the impolicy of so soon again interfering with the criminal law. No doubt, the punishment of death ought to be altered; but this bill was so ingeniously drawn, as to make it necessary either to accept it wholly, or reject it wholly.

Mr. *F. Kelly* regretted, that on every occasion when the friends of this measure came down to discuss it, the Government should fly from a division. He was rejoiced, however, to see that the bill had already arrived at a stage when further opposition, even on the part of the Government, must be useless.

Mr. *Goulburn* said, there were many parts of this bill which would render it impossible for him to agree to it as a whole. He thought that in a matter of so much importance, the House was bound to make special enactments for the abolition of the punishment of death in particular cases, instead of introducing all the different crimes into the preamble, as was the case in this bill, and then legislating upon them.

The *Attorney-General* said, that the object which he, as well as the hon. and learned Member had in view, would have been much better attained had the bill contained special enactments. But, as it was, many offences of more or less magnitude were included in the same category, and because they had formerly been subjected to the same penalty of death, they were now, whatever might be their enormity, all to be visited with transportation for different terms, or with imprisonment. He very much doubted whether the bill would succeed this session, and if it were to do so, it was certainly not concocted in that mature and deliberate manner in which such a subject ought to be dealt with.

The report brought up.

Bill to be read a third time.

Foreign Commercial Policy.] On the Order of the Day for the Speaker to leave the Chair for the House to go into a Committee of Supply, and after some discussion on point of form and of precedence, which we omit,

Viscount *Sandon* rose to address the House on behalf of the commerce of this country, the interests of which were surely deserving of at least one hearing in the Session. The noble Lord opposite had often assured the House that no Minister had ever done so much for the foreign trade of the country as himself. He thought it, therefore, his duty to call the attention of the House to some points which induced him to come to a different conclusion as to the conduct of the noble Lord. There were two points of view in which the foreign commerce of the country might be considered—in the first place, as regarded the exports of our manufactures; and, in the second place, as regarded navigation. Now, it was his opinion that as regarded the exports of our manufactures, this country had suffered severely from the conduct of the Government. He would not go into the sulphur question, but he must say, that if the noble Lord opposite had exerted himself as he ought to have done, the dispute with Naples relative to this matter would never have gone to the extent of creating a rupture with the Neapolitan Government, or to perilling the valuable interests of our trade with Sicily. It was only a short time since, that he had called the attention of the noble Lord opposite, the Secretary of State for Foreign Affairs, to the fact of Mexico having imposed a duty of nearly 200 per cent. on some articles of our exports, without the notice of six months, required by treaty, having been given. The attention of the noble Lord had been called to this subject early in February, and he should have supposed, considering the valuable outlet which Mexico afforded to the manufactures of Manchester and Glasgow, that the noble Lord would have lost no time in issuing the necessary instructions for obtaining a redress of this grievance, and for applying a remedy to the injury which had been inflicted on our commerce by the imposition of this heavy duty without, due notice. But a period of two months had elapsed from the time the noble Lord's attention had been called to the subject, before any instructions had been sent out. During that time the British goods in Mexico had remained unsold. Great loss had been suffered by the British merchants in consequence, and the loudest complaints were made against the delay of the noble Lord. Even now he did not know what had been the result of those remonstrances, or whether they had had any effect at all. It was true that the noble Lord had informed him that he had received assurances from the Mexican government with respect to the duties imposed in 1837, that the excess of duties thus levied without notice would be restored. No money, however, had yet been returned, and the grievance which our merchants complained of was still unremoved. He would next pass to Buenos Ayres, and in regard to this part of the subject, he wished to know from the noble Lord how long the blockade of that country was to be permitted. The noble Viscount at the head of the Government, when interrogated relative to this matter in the other House of Parliament, said in the first month of the Session that he had received assurances that the blockade was only of an occasional character. But for two years the trade of this country had been interrupted by that blockade, and at the present moment all the assurances which the noble Lord opposite had given of its speedy termination were as little likely to be realized as they were when his attention had first been called to the matter. The trade of this country with Buenos Ayres was of great value. The value of British property locked up in that country amounted to something more than 1,000,000*l.*, and the interest on that sum which was yearly lost to our merchants was upwards of 50,000*l.* The articles thus lying locked up uselessly were also in great part of a perishable nature, and it was estimated that 20,000*l.* annually were required to give them the necessary care and attention. Besides all this, local funds had been created in Buenos Ayres, in which British capital was locked up to the amount of about 5,000,000 dollars, and the reduction from seventeen per cent. to three and a-quarter per cent., which had taken place in the exchange by reason of the blockade, had greatly reduced the value of that property. A national bank had also been established, in which other 2,000,000 dollars had been invested by British merchants, but that bank had been broken up, and both the interest and capital destroyed, and all this loss had been occasioned by the blockade. Under such circumstances, he thought the noble Lord ought not to allow that blockade to remain, and ought to make the strongest remonstrances to prevent a continuance of that interruption to our trade which was so fatal to the interests of our merchants. But besides the amount of British property locked up in Buenos Ayres, there was at least British manufactured goods in Monte Video to the amount of about 1,000,000*l.* Now, if the French party were expelled from that country, and the national party secured in power, they would in all probability have another French blockade, if the noble Lord did not exert himself to prevent it. The Americans were not quite so negligent of the interests of their merchants as the Government of this country. Two American vessels had broken the blockade, and although they had been captured in the end, and carried to Monte Video, yet they had been released on the remonstrances of the American commodore. He thought the noble Lord would do well to follow the example of the United States in this particular, and adopt a more energetic line of conduct. Passing from Monte Video, he next wished to call attention to the state of our commercial relations with Portugal. It was now three years since Portugal had imposed a differential duty of fifteen per cent. on all British goods carried to that country from England in British vessels, beyond the amount of duty charged on British goods conveyed in Portuguese vessels. On this subject the strongest remonstrances had been made to the noble Lord and the President of the Board of Trade. It had been clearly proved to them that a differential duty of this nature, operating on the most valuable cargoes, would have the effect of driving British vessels out of the Portuguese trade. That prediction had not for some time taken effect, because an understanding had been entered into amongst the British merchants that they would export goods to Portugal in British vessels only. After a year or a year and a half had elapsed, a Glasgow merchant, seeing the advantage that would result from exporting his goods in vessels belonging to Portugal, had however resolved to act contrary to that understanding, and had accordingly exported his goods in Portuguese ships. When one merchant had adopted that resolution, all the others were necessarily obliged to follow his example, and the consequence had been highly injurious to the shipowners of this country. He would show the effect of this differential duty which had been imposed by Portugal. In 1838 there were only two Portuguese vessels which shipped cargoes from Liverpool, the nominal value of which cargoes did not amount to more than 171*l.* In the same year, seventy British vessels sailed from Liverpool with cargoes for Portugal, the nominal value of which was 887,617*l.* In 1839, the number of Portuguese vessels had risen to forty, and the value of their cargoes had increased to 292,770*l.* In the same year the number of British vessels was ninety-six, but the value of their cargoes had fallen from 887,616*l.* to 559,790*l.* He was aware that the noble Lord and the President of the Board of Trade had issued, under Mr. Huskisson's act, an order of retaliation, but the effect of that order was nugatory. This country had retaliated on Portugal, by imposing an additional duty of one-fifth on all cargoes coming from Portugal; but as, with the exception of wine, the cargoes which came from that country were only of slight value, the additional duty was no protection to the British merchant. The distinction of a duty of 15 per cent. made by Portugal in favour of Portuguese vessels were so large as to throw all the valuable trade between this country and Portugal into the hands of the Portuguese shipowners. The advantage given to the British merchants by the retaliatory order in Council was about 50*l.* or 60*l.* on vessels of ordinary size. But the duty of 15 per cent. imposed by Portugal on British ships going from Liverpool gave an advantage of from 600*l.* to 1,600*l.* in favour of Portuguese vessels. He would here appeal to the example of the United States. In 1834 Spain imposed a differential duty on vessels of the United States, but Congress at once passed an act following out in every particular the example of Spain, so as to place Spanish vessels in America on the same footing as American vessels in Spain. He would therefore ask the noble Lord why he had not come down to that House when he found his power was insufficient, and asked for fresh powers to enable him to meet the Portuguese on their own ground? They had had the same war to carry on against Spain, as the Americans had had. He would not press the Government on the subject of the commercial treaty with Spain, which had been promised for the last twenty years, but which still remained unsettled. That treaty was matter of negotiation, and the noble Lord might answer that he had done all in his power to accomplish an object which was so desirable. With respect to navigation, however, the noble Lord had ample powers which he had declined or neglected to exercise. It was now six years since Spain had imposed a duty varying from 30 per cent. to 200 per cent. in favour of their own vessels, while we continued to receive Spanish vessels into our ports on the same footing as our own ships. He thought this was a very great hardship to our ship owners and merchants, and one which called loudly for redress. Here the noble Lord might exercise his power, and issue a retaliatory order in Spain, which he was fully authorized to do by Act of Parliament. The merchants of this country had, however, submitted to this injustice for six years, and during that period, British navigation had almost been driven out of the trade with Spain. He therefore trusted the noble Lord would, without further delay, exercise the power which he possessed, and retaliate on Spain, so as to remedy this gross injustice to the British merchant. The apprehensions which were entertained by our merchants as to the effect of the duty imposed by Spain on British vessels were not without good grounds. The papers which he held in his hand had relation to the Havannah; but the result would be the same as if they had reference to Spain, as the same duties on British vessels and cargoes existed at Havannah as existed in Spain. By those papers he found that the result of the Spanish differential duty, in regard to the freight and cargoes of vessels passing between Liverpool and Havannah was as follows;—In 1839 six British vessels exported from Liverpool to Havannah 284 bales of manufactured goods; 11 vessels of other nations carried out 812 bales, while Spanish vessels, sailing from Liverpool to Havannah, carried out 6,265 bales. This of itself was, he thought, sufficient to establish a case of great grievance; but he would look at the matter in another point of view, and show what was the result of the differential duty as to cargoes. This duty came into operation in 1834. In 1834 the exports from Liverpool to Havannah in British vessels amounted in nominal value to 382,724*l.*; and he found that from that time down to the present, there had been a gradual decline in that amount. In 1835 the amount was 205,202*l.*; in 1836 it was 153,754*l.*; in 1837 it was 75,000*l.*; in 1838 it was 61,487*l.*; and in 1839 it had fallen to 35,997*l.* The decrease here was enormous, and he thought that this grievance ought to be redressed without a moment's delay. The noble Lord was bound to adopt some retaliatory measures to put an end to such gross injustice to our merchants. But let the noble Lord see how this differential duty had operated as regarded Spanish vessels during this period. In 1834 the value of the cargoes carried out to Havannah from Liverpool in Spanish bottoms was 13,204*l.*; in 1835 it was 123,602*l.*; in 1836 it was 264,928*l.*; in 1837 it was 279,784*l.*; in 1838 it was 318,534*l.*; in 1839 it was 269,106*l.*; showing a progressive increase, while the value of cargoes carried in British vessels had greatly declined. He thought he had now made out a case which showed the necessity for some steps being taken by the Government to put an end to this injustice on the part of Spain. He was sure that the noble Lord must have had before him the state of our trade at present with the Basque provinces. For six years we had been sending protest after protest against the impositions and the restrictions which had been placed by those provinces upon our trade, but at the end of those six years we were exactly at the same situation as when we started. Nay, we were even worse; for not only were the old illegal duties still levied upon our commodities, but new restrictions were placed upon our commerce—a fact which he was almost inclined to quote as a proof that the more the noble Lord remonstrated with the government of Spain, the more was that Government determined to embarrass our commercial transactions with accumulated restrictions. Now, when we considered the great sacrifices which the British Government had made in favour of the present dynasty of Spain, he thought that we had a right to expect that our interests should be treated with at least the same consideration that the government of Spain exhibited toward another member of the Quadruple Alliance, who had not assisted it so effectually as we had done. But even that degree of consideration had not been extended by the government of Spain to the commerce of this country. The noble Lord, at the head of the Foreign Department, was bound to show what progress he had made on all the points to which he had adverted. He was anxious to know whether the noble Lord was going to offer to the House and to the country, anything more reassuring to British commerce than the vague and general declarations which he had hitherto made on this subject.

Viscount *Palmerston* said, that the speech of the noble Lord who had just sat down had undoubtedly relieved him from a considerable degree—he would not say of apprehension, but of natural curiosity. He certainly had felt curious respecting the points on which the noble Lord would dwell, in the hope of establishing that general charge of neglect of the commercial interests of the country which he had brought forward against her Majesty's Government, and particularly against himself. Though he had been at a loss to imagine the points on which the noble Lord would attempt to support his accusation, he had hardly expected that in his performance the noble Lord would have fallen so short of the promises which he had held out; for the noble Lord, instead of taking a large and general view of our commercial relations with the different states of the world, had confined his remarks to one or two special points, on which he could satisfy the House that no complaints could be made with justice. In those remarks, too, the noble Lord had carefully withheld from the notice of the House that general view of the enlargement of our commerce by the progressive increase of our exports and imports to which he should feel it necessary to advert before he concluded the observations which he was now about to address to it. Nothing struck him more in these discussions on the commercial relations of the country than the difference between the language used by hon. Members when they were exciting the Government to obtain redress for the injuries alleged to be sustained by our commerce, and the language which they held after the Government had taken measures to obtain redress, when they charged Ministers with embarking unnecessarily into war, and with putting in jeopardy thereby commercial interests which did not require such a sacrifice. On this occasion the noble Lord opposite had even gone beyond the example of former days; for he had asked how long we should permit France to continue to blockade Buenos Ayres, and how long we should defer compelling Spain to make a commercial treaty with this country. Now, if England were the dictator over all the rest of the world, and if we had power over all foreign and independent nations, such language might be well, and the noble Lord might be justified in blaming her Majesty's Government for not compelling every other nation to grant us all that we wanted; but so long as one country was not in a situation to dictate to another, and so long as nations withheld treaties from a mistaken view of their own interests, or it might be from ignorant prejudices, such language could not rest on any just or reasonable foundation. The noble

Lord had begun his speech by observing on our intercourse with Mexico. That was an unhappy topic wherewith to commence a speech which was to prove our neglect of the commercial interests of the country; for in Mexico we had successfully, and after much exertion, brought about an amicable arrangement between France and that country, by which the embarrassment to our commerce, occasioned by their quarrels, was happily put an end to. The noble Lord had also found fault with him for the delay of two months which he had suffered to intervene between his receiving complaints of the imposition of new duties on our commerce in Mexico, and his sending out instructions to our representatives in that country to remonstrate against them. But it was quite clear that such instructions could not be sent out until the grounds on which they rested had been considered by the proper legal authorities; and therefore he thought that that delay of two months, on which the noble Lord had animadverted so strongly, was capable of an easy and satisfactory explanation. With respect to Buenos Ayres, it was true that our commerce, and American commerce, too, had suffered great inconvenience from the protracted blockade of the Rio de la Plata by the French flotilla. The noble Lord had asserted that the American government had not been so patient as our Government had been; to which he would only reply, that the American Government had shown, as we had done, great forbearance, and that that forbearance was highly creditable to the temper and prudence of its statesmen. But the noble Lord was mistaken if he supposed that we had not made exertions to bring that quarrel to a conclusion. The noble Lord must be aware that it was quite impossible for him to state at present the details of our efforts and of our negotiations. The noble Lord had said, "What we may have done I know not," and then had inferred from his own ignorance that nothing had been done. He could, however, assure the noble Lord that it was his belief, little as the noble Lord might be inclined to place credit in him, that from the nature of the communications which the French Government either had made or was about making to the Government of Buenos Ayres, both parties would soon come to a friendly termination of the disputes between them. He could likewise assure the noble Lord, that no efforts on our part had been wanting, or would be wanting, to produce that desirable result: but when the noble Lord asked how long we should permit a great and powerful nation like France to continue its quarrel with an independent state like Buenos Ayres, he used language for which there could be no excuse, except that it had fallen from the noble Lord unpremeditatedly, and in the hurry of debate. It was true that the inconvenience of the blockade had been peculiarly great to our commerce, owing to the perishable nature of the commodities which we imported from Buenos Ayres. But the noble Lord was mistaken if he supposed that that inconvenience had not affected American commerce likewise. The noble Lord was also mistaken if he thought that the Americans had not respected the French blockade. The circumstances to which the noble Lord had alluded, to an American ship of war having protected two American merchant vessels from one point of the coast to another, was peculiar. It was an isolated instance, justified by particular circumstances; but in general the Americans had respected the blockade, and had been put, like us, to inconvenience by it. With respect to Montevideo, he would only observe that it would be time to speak on the inconvenience, which the noble Lord had alluded to, when it occurred; but till then he thought that he might pass over the remarks of the noble Lord on that subject without further observations. With respect to Portugal, it was true that the retaliatory duty which we had laid on in consequence of the discriminating duty which had been levied on our vessels by the Portuguese Government had not been a sufficient retaliation upon Portugal; but it was equally true that we had gone to the full extent that the law allowed us. The noble Lord was not, however, to suppose that the narrow-minded and exclusive system of commerce which Portugal had pursued had been beneficial to Portugal, while it was injurious to us; for he could assure him (Lord Sandon) that Portuguese commerce had suffered considerably from the blind and ignorant system which it had recently pursued. He believed that at this moment the Portuguese Government saw the error of its course, and that a feeling was springing up among the principal men in the Cortes which would lead before long to the formation of arrangements more beneficial to the commerce of the two countries. It was idle to suppose that any one country could adopt a system of discriminating or of prohibitory duties with advantage to itself; for, if so, every country would adopt a similar system. The fact was, and it was happily undisputed, that such a system was as injurious to the country which adopted it, as it was to the country against which it was levelled; and it was only necessary to let a country taste the bitter fruits of such a mistaken policy to bring it to the adoption of a better system. With regard to Spain, he believed that the Board of Trade had not yet issued directions for any retaliatory proceedings against the shipping of that country. But if such directions had been delayed, there were circumstances in the peculiar situation of that country at present which accounted for our forbearance. Those circumstances, however, had now ceased to operate. We had now reason to flatter ourselves on the improved prospects of that country, notwithstanding all the prophecies to the contrary which had issued from the other side of the House; yes, notwithstanding all the principal speakers on the other side had pledged their reputation and skill as statesmen to the success of the cause of Don Carlos, that cause had miserably failed, and the civil war which had so long desolated Spain had been brought to a termination. The time was, therefore, now come in which we could call upon Spain to liberalize her system of navigation, or meet those retaliatory measures which we should be justified in applying. But those who had so successfully established the liberties of Spain, must in the course of the struggle have imbibed liberal principles of commerce, which would teach them that Spain would best consult her own interests by sweeping away its present impolitic tariff, which impeded its commerce, foreign and domestic, and by substituting in its stead a more liberal system, would give additional elasticity not only to its own resources, but also to those of other countries. With respect to the embargo which had been laid on our vessels at Bilboa, a discussion was still going on between the two Governments. Hitherto we had not been successful in persuading the Spanish authorities to view the question in the same light in which we viewed it. But we ourselves had not always been open to conviction on points where foreigners differed from us, and therefore allowance ought to be made for the reluctance of the Spanish authorities to admit concessions which they imagined would interfere with their local revenues. That point, however, would not be lost sight of by her Majesty's Government. The noble Lord had touched on a few points to show, as he said, the neglect of the commercial interests of the country by a Government which had boasted that no former Government had done half so much for their enlargement as the present. He begged to disclaim ever having made any such arithmetical proposition. He had never made that boast; but as he was compelled to speak on that subject, he would assert as his opinion that no former Government had ever attempted so much to improve the commerce of the country, or had ever attempted it with so much success. The noble Lord in his commercial review had omitted all notice of the various treaties of commerce which we had obtained from other countries. The noble Lord had also intimated, that if the office in Downing-street had done such great things, it was passing strange that all the rest of the world should be ignorant of it. He would not take up the time of the House by entering into matters which had been discussed before. He would just call the attention of the noble Lord to the different amounts of imports and exports in different years. He was, at least, entitled to say, that if during the period in which he had the charge of the foreign interests of the country, our imports and our exports had continually and largely increased, that was a proof that the commerce of the country had been increasing, and that, whatever complaints had been made by particular interests, applicable to particular quarters of the globe, on the whole, if Ministers had not paid attention to the interests of British commerce, they had at least been very fortunate in seeing it advance progressively. He held in his hand a statement of the exports from the United Kingdom. He would take 1830 as the first year, and he found that the total official value of the exports in that year was 38,000,000*l.*; in 1831, it was 37,000,000*l.*; in 1832, 38,000,000*l.*; in 1833, 39,000,000*l.*; in 1834, 41,000,000*l.*; in 1835, 47,000,000*l.*; in 1836, 45,000,000*l.*; in 1837, 42,000,000*l.*; in 1838, 50,000,000*l.*; in 1839, 53,000,000*l.* The exports, then, had risen between 1830 and 1839, from the value of 38,000,000*l.* to the value of 53,000,000*l.*, a very considerable increase. It might be said, that we export without being gainers by the process—either giving commodities away, or selling them at a reduced value. But, if it appeared, that during the same time, the imports also had increased in the same proportion; it was quite clear, that it would thereby be established that the wholesome and substantial trade of the country was advantageous while it had gone on progressively extending. In 1830 the official value of our imports amounted to 46,000,000*l.*; in 1831, to 49,000,000*l.*; in 1832, to 44,000,000*l.*; in 1833, to 45,000,000*l.*; in 1834, 49,000,000*l.*; in 1835, to 48,000,000*l.*; in 1836, to 57,000,000*l.*; in 1837, to 54,000,000*l.*; in 1838, to 61,000,000*l.*; in 1839, to 62,000,000*l.* Here, therefore, the imports had increased between 1830 and 1839 from 46,000,000*l.* to 62,000,000*l.*, a clear proof, that notwithstanding the local and temporary checks which our commerce had experienced, on the whole the commerce of the country had gone on steadily improving, and that between the two periods it had increased not much less than from two to three. Looking generally to the interests of British commerce, as well as to those various other measures which had tended to the development of the internal resources of the country, he thought he might assume that they had acquired confidence for their adherence to an enlightened system of Government, as well as by securing the interests of British commerce by means of treaties and other relations with foreign countries. He contended, therefore, that so far from the noble Lord being entitled to say that he had established his charge against her Majesty's present advisers, the commercial interests of the country had been greatly improved, its commerce had increased in the ratio which he had mentioned, and he had established a claim to some pretension, at least, of having successfully attended to the commercial interests of the country.

Mr. *Maclean* was of opinion, that the noble Lord who had just sat down, had not fairly answered the speech of his noble Friend. His noble Friend had expressly said, that he meant to circumscribe his observations within certain portions of our foreign relations, and to exclude from them, for instance, the entire eastern question. Yet the noble Viscount opposite had made a speech, which if any speech could have such a tendency, was calculated to delude the country on the subjects of his address. He had endeavoured to prove, that the commerce of the country had been gradually increasing from 1830 to 1840, but had omitted to mention for what portion of that increase we were indebted to our own colonies, and what portion had arisen from that successful vigilance which, in dealing with our foreign relations, the noble Lord had taken credit to himself for having so assiduously applied. He could not, however, forget the attacks which had been made on the Government for its utter indifference to our interests in connexion with the gum trade at Senegal and Mozambique—the repeated animadversions which had proceeded even from the other side, from hon. Members in the confidence of the Government, on the mode in which that important branch of commerce had been treated, when they were constantly assured that the matter was still under consideration, and told that, though British merchants were suffering year after year from unnecessary procrastination, they were notwithstanding to rest satisfied that their negotiations would terminate to the entire satisfaction of those individuals who were such diplomatic sufferers? His noble Friend had put forward his most prominent cases, to which the noble Viscount's reply was, "True, we are not able to do as might be desired with Spain and Portugal; but Spain is now pacified, and has established her constitutional government." But did he forget that it was not through the instrumentality of the Foreign-office that the constitutional government of Spain was established, but by the energy of the French Government, which having entered with us into the Quadrupartite Treaty, and abandoned the strong ground which they took in the early period of the operation of that treaty, at last acted in so energetic a manner as to decide the contest in Spain? The noble Lord had no right whatever to plume himself on his policy as having produced this result. Were they now to be told of the noble Lord's influence with Spain, when he not only could not succeed with a negotiation for a commercial treaty, but was unable to obtain the liquidation of claims admitted to be in no manner doubtful—claims which remained still pending, to the eternal disgrace of the country for which these men had fought, and also, he must add, of the country which had sent them to pour out their blood like water, for a dynasty which made them so ungrateful a return? His noble Friend had refrained from alluding to the great question of the East, more especially with reference to the Black Sea; but he could promise the noble Lord, that this subject would be submitted to the notice of the House early in the next Session. An opportunity had then occurred, of which the noble Lord might have availed himself to advance the commercial interests of this country, and to which the Foreign-office had by no means attended with the due degree of care. Some time since, a discussion had arisen in that House with reference to the treaty of Unkiar 'Skelessi, and the particular position in which that treaty placed England with respect to Russia, Turkey, and Austria. Since that treaty had been made, he had never understood that the noble Lord had given his assent to it. In the affair of the Vixen, it was always extremely difficult to ascertain the noble Lord's real opinion. Up to the present time the opinion of the Foreign-office remained in obscurity as to whether Russia obtained possession of the coast of Circassia by the 6th article of that treaty, and whether we were not excluded from the whole coast of Abasia. Whether the Turks had a right to cede it, or the Russians to take possession of it, was a question that was likely to be set at rest by the continued exertions of that magnificent race of men—he could give them no other title. If the invaders were driven from the stronghold of which they had unjustly possessed themselves, and the whole of that line of coast, 200 miles in extent, were opened to British commerce, he should be glad to hear from the noble Lord whether it were his intention, and the intention of his Government, to admit the validity of this secret article in the treaty of Unkiar 'Skelessi, and shut up the Dardanelles against English commerce, by which it had already received such material detriment, as instanced in the Vixen affair. He should be glad to know whether, upon the cessation of that treaty, Government was prepared to act with energy, without which our commerce with the Black Sea would be entirely sacrificed, the independence of these brave men would ultimately become a dead letter, and the noble Lord's Government would do much to advance a power which had proved itself most inimical to British interests, and more particularly to British commerce in the Black Sea. He greatly deplored the speech of the noble Lord the other night. It was with great regret that he heard him let fall the declaration, that although the integrity of Cracow was guaranteed by France and England by solemn treaty, and that although that treaty was violated while the commerce of Cracow by that violation was annihilated—though this was all proved, and though the noble Lord had pledged himself to send a commercial agent to Cracow—in the face of all this, he lamented to hear the noble Lord say, that as Russia, Austria, and Prussia were powerful, it was necessary to act with prudence—that though they had violated a treaty to which we were parties, yet it would be unjustifiable to plunge the nation into war—because, in fact, they were strong, the Government should be satisfied with mere demonstrations. What was this but holding out to the world that where a nation was weak, as in the case of Naples, the British Government would act with great energy; but that, in such cases as those of Cracow, Buenos Ayres, and Mexico, they would act with great caution? Though he did not believe the noble Lord would be capable of carrying out a policy so painful to the feelings of Englishmen, yet such a speech as that of the noble Lord would lead foreigners to imagine that powerful nations might injure and insult us, as in the case of Cracow, or the insult given by the French to our flag in Mexico, or the gum trade at Portendic, with the most perfect impunity; that we would, in fact, submit to any insults rather than go to war—insults which, in the time of England's greatness, would not be submitted to for a moment. The noble Lord took credit for the settlement of the Mexican question, but then it took two years to obtain that settlement, during which the British merchants connected with that country suffered severely. Neither was the question much touched upon relative to the opium and China trade. The noble Lord was certainly taking active steps, but while he was fighting the Chinese, the English merchants, and still more the Parsee merchants, were exposed to very great suffering. The noble Lord might rely upon it, that very early in the next Session of Parliament, he would be called upon to give a much more explanatory account of the foreign policy of the Government.

Mr. *Hawes* had hoped, that the noble Lord, the Member for Liverpool, would have suggested something valuable in the way of taking off restrictions, or altering our own tariffs with a view to improving the commerce of the country. But the noble Lord's speech was most extraordinary, for though a Member for a great commercial town, he had absolutely suggested nothing of the sort. He had talked of Mexico and of Spain, and would have this country proceed by blockade with respect to Mexico, and by retaliatory duties with respect to Spain. He congratulated the people of Liverpool upon possessing a representative who was so well acquainted with their interests. As to the hon. Member who had just sat down, he had made a speech *de omnibus rebus*—but he was all for cannon balls. He had spoken in the true Tory spirit, which always meant cannon balls. He would ask those hon. Gentlemen if they would propose to reduce any of the duties which formed a restriction to commerce? Would the noble Lord (Sandon) propose to reduce the duty on sugar? or on corn? or on timber? Not one of those duties would he propose to abate or ameliorate in order to encourage commerce. Not one Gentleman on the other side of the House, had ever proposed a single reduction of duty with a view to the increase of commerce, nor had they ever proposed any reduction with a view to lessen the burdens of the people. With respect to the course we ought to pursue, in order to placing the commerce of the country on a proper footing, he would quote the words of the late Member for Bath (Mr. Roebuck), who had placed the subject in the most concise, and, at the same time, most forcible point of view that he remembered. "Why," said the hon. Gentleman, "should we practise folly because other nations lack wisdom?" If this country were to resort to blockade in every instance similar to that of Mexico, it would soon have its hands full. And even in the case of Mexico, had the Government pursued such a course, they would very soon have the right hon. Member for Pembroke (Sir J. Graham) coming down to the House with a long motion demanding to know why the Government had plunged the country into a war. He perceived, by a paper he held in his hands, that additional customs duties were to be levied on certain articles. Would the noble Lord oppose those duties, or would he propose a reduction in any of those existing? [Lord *Sandon* No:] No; because the noble Lord had peculiar interests to contend for, the colonial interests; there was to be 100 per cent. paid upon coffee—would the noble Lord take off that, or the duty on corn, or any other duty whatever; no. No hon. Member on the noble Lord's side of the House even proposed taking off a duty, no matter how beneficial to commerce might be the reduction. With respect to the commerce of the Black Sea, the treaty of Unkiar Skelessi, and the coast of Circassia, which had been spoken of by the hon. Member for Oxford (Mr. Maclean), it seemed to have escaped the hon. Member that Lord Aberdeen had more to do with these than the noble Lord—and that the name of the former was much more conspicuous in the correspondence.

Lord *Sandon* said, that if the revenue was in a flourishing condition, he would support a proposition for the reduction of duties; but as there was at present a positive and acknowledged deficiency, he could not be the person to propose a reduction.

Mr. *E. Tennent* said, it was no doubt true, that the blockade of Mexico had been raised; but had France, he would ask, abated one jot of her iniquitous demands on that country? Had France remitted one shilling of the 800,000 dollars she claimed? France had refused, and Mexico, in order to replenish her exhausted treasury, had imposed a duty of 25 per cent. on British goods consumed within her territories. The effect of this measure, he knew, was, that extensive orders for British goods had been already countermanded. Why had not the noble Lord, he would ask, interfered to stop the blockade of Buenos Ayres? So long as the foreign affairs of the country were managed as at present, that blockade could not be expected to terminate except, as the Mexican blockade had been terminated, on the terms and at the moment when France pleased. What protection had the noble Lord granted our commerce in Brazil? It was now five years since the question of the injuries done to British subjects at Pora had been under the noble Lord's consideration, and he should like to know what progress had been made in settling it? A memorial on the subject was sent to the noble Lord in 1835, and it was not till the middle of 1836 that he had even condescended to acknowledge its receipt. The noble Lord might say, there were legal difficulties in the way of settling the question, but it had now been before the law officers of the Crown for three years. At Bahia also, British subjects had been robbed of their property. A memorial, detailing the grievances of our countrymen at that place, had been put into the noble Lord's hand in March last, and up to the moment at which he spoke no answer had been received to it, not even the mere answer of ordinary civility, or acknowledgment of its being received. The noble Lord boasted of his readiness to interfere for the protection of our merchants; but he could venture to say, from an extensive knowledge of the merchants of Liverpool and of London, that not one of them placed any confidence in the noble Lord.

Mr. *Sheil* complained that the hon. Member had brought forward his accusations against the noble Lord, when by the forms of the House, the noble Lord was unable to reply to him. If the hon. Gentleman had brought forward his allegations at a time when the noble Lord could have risen, he would have made retaliatory statements; but it was a deviation from the ordinary course, after a Minister of the Crown had delivered his speech, to come down upon him with a charge which he was precluded from answering. It appeared to him that the hon. Gentleman ought to have avoided allusion to Spain. Supposing the hon. Gentleman's aspirations had been heard, and his wishes granted, supposing the cause of despotism had triumphed, and that liberty had fallen—supposing Don Carlos had ascended the throne of Spain—what had that to do with the question? The question before the House was of a commercial nature, and yet the hon. Gentleman asked if payment had been obtained for the arms sent out to Spain. Was that a commercial question? Was that within the scope of the motion of the noble Lord? Why, the question rather belonged to the Secretary at War. And why introduce Cracow into this discussion? Was it legitimate to lug a question that had been already fully discussed into a topic of another kind with which it had nothing whatever to do? With regard to Portugal and Spain, it was not by bringing forward isolated points of import and export, as the noble Lord opposite had done, that a question like the present was to be judged, but by looking to broad and general results. He held in his hand the customs returns, which in a short compass presented a splendid picture of the prosperity of the country. The right hon. Gentleman referred to the increase of our exports and imports in a series of years previous and subsequent to the passing of the Reform Bill, and said,—these were facts, and such facts could not be contradicted or mistaken.

Mr. *D'Israeli* could not allow a discussion of that kind to terminate without attempting to infuse into it a spirit somewhat more comprehensive than that which had characterized it, and he was anxious to place before the House some circumstances of an extraordinary nature that had occurred within the last ten years. When the noble Lord first assumed the portfolio of foreign affairs, he adopted a new system of foreign alliances, and he told them that the first guarantee of his intention would be a commercial treaty with France. Nine years had elapsed, and that treaty had not appeared. Whether they were any nearer to its accomplishment now than at first was a question he would leave the House to determine. It appeared to him that the noble Lord, in forming his new arrangement, occasioned two of the severest blows to fall upon the commerce of this country that it had ever experienced. With Poland and the Black Sea, this country lost a commerce with twenty-one millions of men, in order to cement the alliance with France. Those were amongst the results of the new system of the noble Lord. In anticipation of the promised commercial treaty with France, we had supported the policy of that country in Belgium, in Spain, and in Portugal. What were the fruits of this support of interests which were not English interests, except so far as France might be considered the friend of England? We had been rewarded by French blockades established in Mexico and at Buenos Ayres, by the interruption of our commerce at Rio de la Plata, by the exclusion of our trade from the eastern coast of Africa, from Portendic and Gambia. Having played us false in seven portions of the globe, the eastern question, which all along had been lowering in the distance, at length developed itself, and then it became evident that the intention of France was to betray us in Egypt. Reluctantly convinced that the vaunted friendship of France was hollow, the noble Lord turned round to Russia, whom he had previously threatened, and endeavoured to obtain the support of a power which had destroyed our trade with Poland, and excluded us from the Euxine. Finding, however, that Russia would only support him in a very limited degree, the noble Lord was fain at last to revert to the principles of his early life, and to strengthen himself by seeking the alliance of the Conservative power of Austria. Succeeding in this return to the Tory principles of commercial policy, the noble Lord came down in triumph to the House and claimed applause for the wisdom of his arrangements. He for one did not object to this part of the noble Lord's policy. He thought that the Austrian connection was valuable. He thought that if ever there were two countries calculated by nature, and by the relations of trade and commerce, to be great and influential as allies, it was Great Britain and Austria. It was, in fact, the old traditionary policy of the country—but what was to compensate the country for the noble Lord's eccentric and erratic course during the last nine years? Were we, by our recently renewed alliance with Austria, to regain the trade which we had lost in Poland and the Black Sea? Were we to recover the markets of which France had deprived us in seven portions of the globe? Supposing the noble Lord to have adopted this Austrian alliance in 1832, was it probable that we should have suffered the losses and indignities to which we had been subjected under a different course of policy? For his own part, he thought that British commerce had been more prejudiced during the foreign administration of the noble Lord than in any other period of the like extent in the history of the nation; and he feared that the seeds of events had been sown, which hereafter might mature with consequences that would shake the empire to its centre.

Mr. *Ewart*, without entering into details, without discussing the policy of a blockade in this quarter of the globe, or a restriction to our commerce in another, was prepared to express his approbation of the general line of policy pursued by the noble Lord. The real question to be considered was, whether the broad principles which had governed the noble Lord's conduct were consistent with the great leading interests of the country? He thought, that fairly weighed, whatever partial defects might be discovered, the general scope and tendency of the noble Lord's foreign policy had been wise and prudent, and generally advantageous to the nation. Thus judging of it, he had the satisfaction of being able to give it his own individual approbation. He was the more disposed to approve of it, because the commercial policy of the noble Lord had throughout been a policy of peace.

The question "that the Speaker do now leave the chair" was carried.

House in committee, supply postponed.

House resumed.

Loan Societies Bill.] On the motion for bringing up the report on the Loan Societies Bill.

Mr. *John Abel Smith* said, that the parties interested in this bill had consented to abandon the principle of fines, and in consideration of this he was willing to raise the rate of interest on loans, from 12½ to 15 per cent. He was sure that this would meet the views of the hon. Member for Lambeth, and he would therefore move amendments, to the effect that the interest be so raised, and that it would not be lawful for the societies to impose any fines at all.

Mr. *Hawes:* As the hon. Gentleman had consented to raise the rate of interest from 12½ to 15 per cent., one great objection which he had to the bill was removed; but he did not altogether approve of the amendment, which went to abolish fines: for although the hon. Member had increased the rate of interest by 2½ per cent., he was afraid it would not cover the loss occasioned by the abolition of fines.

Mr. *J. A. Smith* said that in regard to the rate of interest, he had taken great pains to calculate the expences of the different societies, and he was fully convinced that 15 per cent was amply sufficient to meet them. In regard to fines, he was also convinced from experience of their inefficiency and uselessness. Indeed, they were actually injurious, by encouraging a carelessness on the part of those interested. In the society to which he belonged, he found that out of a sum of 15,000*l.* lent out in small sums, there were only 12*l.* of arrears.

Report received.

HOUSE OF LORDS,

Thursday, July 23, 1840.

MINUTES.] Bills. Received the Royal Assent:—Canada Government; Vaccination Extension; Police Rates Assessments; Timber Ships; Borough Watch; Masters in Chancery; Protestant Episcopal Church (Scotland); Arms (Ireland).—Read a first time:—Abolition of Mesne Process Amendment.—Read a second time:—Canal Police; Newgate Gaol (Dublin); Friendly Societies.—Read a third time:—Settled Estates Drainage; East India Mutiny.

Petitions presented. By Lord Redesdale, Lord Portman, the Duke of Sutherland, and the Earl of Warwick, from Portsmouth, Birmingham, and Nottingham, against the Sale of Beer Bill.—By the Duke of Wellington, Lord Kenyon, the Bishops of Durham, London, Chichester, Rochester, and Salisbury, the Archbishop of Canterbury, and the Earl of Devon, from Oxford, Canterbury, Durham, Chichester, and other places, against the Ecclesiastical Duties and Revenues Bill.—By the Marquess of Westminster, from a place in Cheshire, and by Lord Stanley (of Alderley), from Northwick, against the Weaver Churches Bill.—By the Earl of Chichester, from the Church Missionary Society, against the Encouragement of Idolatrous Practices in India.

ECCLESIASTICAL DUTIES AND REVENUES BILL—CHURCH EXTENSION.] The Duke of *Wellington*, after presenting a petition from the University of Oxford against the Ecclesiastical Duties and Revenues Bill, said, I entirely differ from the petitioners, who indeed show, by some of their own statements, the necessity which exists for such a measure; for they complain of the parochial deficiency of the Church of England at the present time. But it is in vain, my Lords, for any man in these times to expect that that deficiency will be made up out of the public money whilst the Church has in itself resources that may be applied to the purpose. I say, my Lords, that all the resources which the Church possesses should be applied to supply that deficiency and to remove those inconveniences. The petitioners themselves admit that the evil exists; and it is most desirable, both for the public good and for the good of the Church itself, that those inconveniences should be remedied and removed. I confess, therefore, that I heard with astonishment, that this petition was got up in the University of Oxford, and that these petitioners prayed that the bill should not pass. My Lords, I am of a very different opinion from the petitioners. I am convinced that no measure could be devised which could more tend to remedy the evils, and to remove those very inconveniences of which the petitioners themselves complain in this petition, and which they say truly attend the parochial system of the Church in this country. I think, my Lords, the ecclesiastical commissioners did their duty in recommending this bill. I think it highly creditable to the Church that those inconveniences should be removed by the Church itself. I think it highly creditable that the Church should even take the first step in removing those evils, without applying for the assistance of the public money.

Petition laid on the table. Their Lordships afterwards heard counsel at the bar against the bill.

HOUSE OF COMMONS,

Thursday, July 23, 1840.

MINUTES.] Bills. Read a first time:—Dog Carts.—Read a second time:—Municipal Districts (Ireland); Customs; East India Shipping.—Read a third time:—Insolvent Debtors (Ireland); Insane Prisoners.

Petitions presented. By Mr. Sanford, from Somerset, against Church Extension.—By Sir R. Peel, from Incumbents of Parishes, and Owners of Tithes in the Diocese of Rochester, that in any Alteration of the Law respecting the Rating of the Stock in Trade, their interests might be attended to; and from the Clergy of the Principality of Wales, that no person might be appointed to a Welsh Bishopric not acquainted with the Welsh Language.—By Mr. Baines, from a place in the county of Nottingham, to support Infant Schools; and from Lancaster, against any countenance to Idolatrous Worship in India.—By the Attorney-general, from the Owners of a Coal-work in Somersetshire, and a Water-works in Newcastle, that their Property might be Exempted from Taxes for the Relief of the Poor.—By Mr. Hume, from Gallashiels, against the Trade in Opium, and War with China.

FARNHAM RECTORY.] On the Order of the Day being moved for the third reading of the Farnham Rectory Bill.

Sir *R. H. Inglis* moved that the third reading should be postponed till Monday.

Captain *Pechell* wished that the hon. Baronet should assign some reason for the postponement.

Mr. *Hume* said, that as the motion was not immediately proceeded with, he would move that the bill should be read a third time that day three months.

Sir *R. H. Inglis* would appeal to hon. Members on both sides whether the course taken by the hon. Member for Kilkenny on the motion for postponing the third reading of a private bill was not unprecedented.

Mr. *Hume* considered the bill a public one.

Mr. *Aglionby* wished to ask whether it were the intention of the hon. Baronet, whenever the third reading might come on, to attempt to introduce such a clause as that which the House had rejected the other evening.

Sir *R. H. Inglis* said, the postponement was not for that object; but he would not follow the extremely inconvenient course of discussing the question on the mere motion of the adjournment of the third reading of a private bill.

The Earl of *Darlington* said, that the course of the hon. Member for Kilkenny was most unjustifiable.

Mr. *Hume* denied, that he was acting unfairly. A paper had been put into his hands, in which it was stated that an attempt would be made by the hon. Baronet to take from those individuals, to whom the House had decided that compensation should be given, the advantage of that decision.

Sir *R. Peel* said, it appeared to him, if his hon. Friend intended to move to rescind the decision the House had come to, he ought to-morrow to give distinct notice to that effect. The House would be establishing a most embarrassing precedent if, when a Gentleman moved the postponement of a bill of which he had charge from one day to another, an opportunity should be given of moving an amendment on that question. The House had set a different precedent on many occasions, and he had acted in a different manner. He thought that every purpose of justice would be answered if his hon. Friend would on a future day give distinct notice of his intention.

The House divided on the question, that the bill be read a third time on Monday next—Ayes 92; Noes 48: Majority 44.

The third reading fixed for Monday.

RAILWAYS.] On the motion of Lord Seymour, the House resolved itself into Committee for the further consideration of the Railways Bill. On the question that the preamble be postponed.

Mr. *Easthope* reminded the House that there had been no discussion on this bill. He had waited till the last moment, being desirous of seeing whether any other hon. Member would occupy the attention of the House; and also with a view of learning what the opinion of other Gentlemen might be with reference to the principle of this measure. But finding that no hon. Member was disposed to rise, he felt it his duty to offer a few observations to the House. In the Select Committee appointed to consider this subject, he found himself in a very small minority, objecting to any legislation on this question, with their present imperfect information. The ground on which he rested his objection to any legislation at the present time upon the subject, was the conviction he had of its being the unanimous feeling of all who had directed their attention to the practical working of these great undertakings, that they had hitherto proceeded with a degree of success—whether the interests of the parties more immediately concerned in their management, or the paramount interests of the public itself, were considered—far beyond the most sanguine expectation. When the Legislature was called upon to direct its attention to matters connected with the trade and commerce of this great country, with a view to pass enactments intended to restrain and regulate those great interests, it was obviously the duty of Members of Parliament, before commencing the work of legislation, clearly and distinctly to ascertain what the real object was, that they desired to attain. Now, he would ask his noble Friend under whose auspices this measure was introduced, what it was that he specifically aimed to accomplish by his bill? Great danger was always to be apprehended from premature legislation; and he certainly did, in this instance, entertain the strongest apprehensions of danger from hasty legislation. It was impossible that any one who had read the evidence presented to the House last year, and had heard the evidence that had been given before the Committee during the present Session, could come to any other conclusion than that, so far from there being any crying evil to be redressed, so far from there being any mal-administration to reform, so far from there being any disposition to disregard the public convenience, or to extort unjust exactions from the public, on the part of the companies engaged in these important undertakings, that so far from any of these things existing, there was, on the contrary, the strongest grounds for affirming that the individuals to whose direction the railways throughout this country were confided, fully felt and understood that their own true interests, and the interests of the proprietors of these public undertakings, were identical with the interests of the public; that their interests were best promoted by looking to a minimum rather than a maximum of charge; and he thought it would be impossible for his noble Friend to show any clear and intelligible evidence to the contrary. There was nothing to warrant his noble Friend to act on the assumption that there existed any systematic abuse in the management of railways, or that the course pursued by the individuals who directed those works was so fraught with mischief as to render it necessary to have recourse to what he must, in the absence of full and satisfactory information, designate as hasty and precipitate legislation. His noble Friend must, from his position in respect to this question, be aware that there prevailed a great diversity of opinion upon many most essential points connected with railway management, even among those who were the most deeply interested in that species of property, and who were best acquainted with their practical operations. The anxiety that prevailed on this subject, and the rapid progress of improvements in respect to railway communication, he thought ought to be viewed with great satisfaction by all those who looked to the interest of the public, and desired the attainment of a system of management that should combine the advantages of cheapness, regularity, and speed, with the least possible abuse; which he (Mr. Easthope) considered to be strong reasons for deferring legislation till another year. The House would then be in a situation to proceed with greater benefit to the community, and with less danger of impeding the progress of these undertakings. He could readily say, with reference to those directors with whom he had the honour to be acquainted, that there was not one to whom the public looked up as an authority, who did not believe that the interests of the railway proprietors and those of the public were united, and who did not desire to act on that principle. The evidence that was before the House satisfactorily proved the fact, that railway directors were anxious to adopt those plans that were the best calculated to promote economy and utility; he, therefore, thought the best plan was to let them proceed in that course without dangerous meddling. If, however, he should find it was the disposition of the House to entertain the same apprehensions of danger from delay which appeared to influence his noble Friend, and if it should be considered, under all the circumstances, that it was better to proceed with the bill at this advanced period of the Session, rather than wait for the additional knowledge which another year's experience would give them, he certainly was not inclined to oppose himself to the general opinions of the House, but would, in that case, devote himself to the improvement of the measure to the fullest extent in his power. His object, at the present moment, in making these remarks upon the principle of the bill, rather than speaking to its particular provisions, was to elicit from hon. Members, who might have been instructed by their constituents, their sentiments with respect to proceeding now, or postponing the question until another Session.

Preamble postponed.

On Clause 1, which requires that no railway, which shall not have been opened before the passing of the Act, shall be opened for the conveyance of passengers or goods until one calendar month's notice in writing to the hon. Committee of the Privy Council appointed for trade and foreign plantations.

Lord *Granville Somerset* thought that there ought to be a certain time allowed before the notice should come into effect, that parties might be made aware of the law, and have time to comply with it, without injuriously stopping railways now nearly finished. He proposed, therefore, to insert after the word "that," the words "after two months from the passing of this Act."

Mr. *Hume* thought that these lines should be left as independent and free as possible, and that so far as was consistent with the public safety there should be no interference with the capital and skill employed. He had not had an opportunity of seeing the evidence taken before the committee; and it was only yesterday morning that a large blue book was delivered, marked "railway evidence." It appeared to him, therefore, that they ought to act cautiously, lest they should create evils in the restrictions they were about to propose. The second clause was in the highest degree sweeping; it was scarcely possible to conceive a more stringent clause, to take the management of the books out of the hands of the company. They might injuriously interfere with the employment of capital, and he thought that they required more time before they legislated, and that they ought to be better masters of the evidence before they proceeded. At the same time he was anxious, as far as possible, to give protection to the public, and for this reason, that he believed to a certain extent the railroads would have a monopoly wherever they were established. He would ask the noble Lord who had charge of this bill to consider whether it would not be more consistent, and more wise, after making all the amendments that could be suggested to perfect the bill, so that parties might have an opportunity of seeing what was intended, not to proceed with the bill this Session. And he made this suggestion because he knew that the noble Lord meant to do nothing except such as should be beneficial to the public.

Sir *Robert Peel* thought it desirable to legislate upon this question during the present Session. No one was more adverse to any general interference with the employment of capital than he was; but it was impossible to deny, that the railways were a practical monopoly, and that they had been established by the Legislature giving to them extensive powers over the property of individuals. It was their duty, therefore, to see that by those in possession of the monopoly the public rights were not interfered with. He thought it was unwise to go beyond that, by introducing minute regulations; but it was not unwise to guard the general interests of the public. If, then, legislation was to take place, the sooner the decision was come to the better. They were only keeping parties in uncertainty by any delay. The moment they admitted that there was a fit case for legislation, they ought to determine what it should be. The subject had undergone great investigation in the only place in which it could be thoroughly examined—a select committee; and it was for the interest of the companies themselves that they should be relieved from all doubts and anxiety. Upon these grounds he thought that the noble Lord was authorised in proceeding with his bill; and, without pledging himself to every minute detail, he was of opinion that it would be advantageous now to legislate.

Amendment agreed to.

Mr. *Vernon* must now object to the words "shall not be opened before the passing of this act;" since this amendment, they were entirely unnecessary.

Mr. *H. G. Ward* could not see any desire that a railway could have to exempt itself from giving notice, and the only object of the amendment was, to protect some that were about to open from suffering by an *ex post facto* law.

Mr. *Finch* could not see the object of causing the railways to give notice at all; it seemed to him to be utterly useless. The railway companies were required by the bill, to give a notice to the Board of Trade previous to any opening, and they might send, if they should think fit, an inspector to inspect the railroad, and of course to make a report. Now, he would ask the noble Lord whether he intended to impose any penalty or punishment if any railway intended to be opened should be declared by the inspector to be unfit to be opened? He had looked through the act, and could not see any penalty for opening railroads declared unfit, and without that the notice appeared to be unnecessary.

Sir *Edward Sugden* said, that as they had inserted his noble Friend's amendment, he would suggest that the words now in debate should be left out. And whilst he was up he must remark, that he was very much struck with the observations of the hon. Member for Walsall (Mr. Finch). He wished to see the object of the notice. They were imposing an unnecessary restriction, by causing the notice to be given, if it could not be followed up by any order, regulation, or restriction. He could not, therefore, understand the object of amending the clause, till he was told of the meaning of the clause itself.

Lord *Seymour* did not impose any penalty, if a railroad which was unfit were opened, after notice, although there should be a remonstrance against it, because he thought that if the Board of Trade should remonstrate against the road as unfit to be opened, or as endangering the public, it was so much the interest of the railways to attend to the remonstrance, that it was not necessary to give the Board of Trade the absolute power of saying whether it should be opened or not.

The words "which shall not have been

opened before the passing of this act" were struck out.

The next proposal was, to fill up the blank with the words "one month."

Mr. *Aglionby* said, the noble Lord who had charge of the bill had, in some measure, admitted that some steps must be necessary, because he thought that the interest of the directors would induce them to comply with the remonstrance of the Board of Trade; but they ought to leave nothing to chance—they ought either not to legislate, or they ought to make it compulsory.

Viscount *Sandon* said, the Privy Council, in the first instance, would have no power to prevent the opening of a railroad after the notice; but then the noble Lord said, that they had virtually a power over the parties managing the railroad, because no one would travel on the line after such a remonstrance had been given. What opportunity, however, would they have of judging? They might send an inspector, they were not compellable, but suppose they did send one, they all knew that with a railroad the last month was the most important of all; a month before the opening the bridges were imperfect, the rails were not all laid down, the fences were not put up, the gates that protected the side roads were not made, in short, in such a condition was it that it was totally unfit for the public. He said, then, that the inspector would go his rounds, he would come away with a hostile impression as to the opening, he would say that in his opinion the road ought not to be opened, and if the Privy Council, acting upon that, should issue their remonstrance, they would injure materially the whole property of the proprietors, and would not promote the interests of the public, because it would be issued after an imperfect instruction. He said, therefore, that this clause was useless on the one hand to the interests of the public, which would not be provided for when the inspectors were unable to come to a right conclusion; and, on the other hand, it would give to the Privy Council a dangerous power of condemnation. Had a single instance yet been quoted of a railroad having been opened when it was in a condition unfit for the interests of the public? He did not believe that there had been one instance. The other powers were so arbitrary, that there was every possible objection to them. He himself could quote instances in which the public had been inconvenienced by the improper junction of two railroads; but they did not arise from any breach of the Act of Parliament; they were made in compliance with the Act, which was in error. No doubt the junction of the Greenwich and Croydon was imperfectly made, but that was the fault of the Act of Parliament; the inspector would have no right to interfere in such a case.

Sir *Edward Sugden* believed it to be quite unimportant whatever way the blank was filled up. It only required that the road should not be opened till after one month's notice, and if the directors were wise they would continue to give notice during the progress of the railway.

Blank filled up with the words "one month."

On the question that the clause as amended stand part of the bill,

Sir *James Graham* stated, that it was only on the supposition it would afford safety to the public that the clause ought to pass. If they failed to establish that, not only were the amendments unnecessary, but the whole clause ought to be struck out. The noble Viscount (Sandon) wanted to know the advantage or the necessity of notice. He would have had a reply to his question, if they had had the benefit of more of his assistance on the committee which had sat on this subject. His noble Friend said, that there was not a single instance of a railroad being opened prematurely. Now he (Sir J. Graham) believed, on the contrary, that almost without exception every railroad that had been opened had been used before it was properly ready. He would take the clause as providing for the safety of the public. It might be the case, that none of the defences to the line of railway were complete—that the bridges were not quite finished at the time of opening the line, and what might be the result? That heavy weights being drawn over those bridges at a great speed, their fall would take place. It had recently occurred, that on the Preston and Lancaster railway a viaduct had given way, and, although happily no lives were lost, by a most providential circumstance, it was evident that the accident arose from the newness and rawness of the building. He thought, therefore, that it was for the safety of the public that this notice should be given, and that one month was the shortest period which could have been fixed upon by the committee.

Mr. *Hawes* said, that he believed the railway directors did not object to the provisions of this clause.

Mr. *Aglionby* did not think that the arguments of the right hon. Baronet, the Member for Pembroke, were at all sufficient to show, that the clause could have any effect in protecting the public from danger. In the case which had been alluded to, he believed the accident to have been in some degree attributable to the early period at which the railway had been opened; but he must say, that the directors had been urged to give the public the earliest opportunity of employing it by local newspapers and by other means.

Mr. *Ewart* objected to the use of these words, because he conceived, that they would give a power to the Board of Trade far beyond that which was necessary. One month's notice was directed to be given, and he thought that it would be quite sufficient for the officers of the Board of Trade to make their inspection during that period. He objected, however, to a power so indefinite as that proposed being placed in their hands.

Mr. *Easthope* observed, that the hon. Member for Lambeth had stated, that the railway directors had no objection to this clause. He believed if they had not it was because they were of opinion, that it would be practically inoperative, for they felt that the responsibility which attached to their own engineers would be in no wise decreased by the appointment of any officers to superintend their proceedings, such as was proposed. The responsibility with regard to the opening of railways now rested upon the directors, under the guidance of their engineers. If they threw open the works before they were in a condition to be employed with safety to the public, and if the public were injured thereby, he was confident that he should be told by the hon. and learned Attorney-general, that if such a case were brought into a court of justice, it would bring upon them damages proportioned to their offence. If they contemplated, that the state of the railway was to be the subject of conflict at the time at which it was proposed to be opened, they would produce infinitely more evil to the interests of the public than they would do good.

Sir *E. B. Sugden* begged to throw it out for the consideration of the committee, that under the words of the clause, in some events it might be that a second notice would be required; for if by some accident it should happen that the railway was not opened on the day specified in the first notice, a new one would be requisite. The clause, he contended, did not touch the case for which it was intended to provide. The object must be taken to be to compel the railway companies to do that which was right, or not to do that which was wrong, but as the clause stood it was a mere compulsory enactment requiring them to give a notice, which was not followed up by any penalty.

Mr. *Warburton* could not find anything in the clause to show that the object of it was to enable the Board of Trade to ascertain whether the railways were complete and in working order. It simply provided, that a notice should be given, that on a certain day the railway should be opened. If it were intended that the Board of Trade should send an engineer on that notice to inspect the railway, he should object to the adoption of such a course, because if any such officers were appointed at all, he thought that they ought to be appointed from the very commencement of the undertaking, in order that they might inform themselves of the solidity of all the works, upon which he thought it must be admitted, that they could only form an opinion from an inspection from the first. He agreed with the hon. Member for Leicester (Mr. Easthope) that they ought not to lessen the responsibility now imposed on the companies or their engineers. If the Board of Trade were to employ an engineer, he might have some crotchet as to some particular method of constructing a portion of the railway, and until that crotchet was attended to the work could not be opened. The same species of circumstance had before occurred, and he thought, that they should do well to leave the undivided responsibility to the railway companies.

Viscount *Sandon* was decidedly of opinion that the power to be exercised by the Board of Trade should be distinctly defined, and that it ought not to be left to them to say what should be done. He thought that it must be seen that there was no real protection in the notice proposed to be given.

Mr. *Labouchere* knew that this question had been discussed in the committee which had sat, and that with the single exception of the noble Lord, the Member for Liverpool, all the Members of that body were of opinion that it would be beneficial that this clause should be included in the bill. It was thought, however, that it was decidedly best not to encourage the interference of the Government, but to limit it to the smallest possible degree; and the committee chose to render the powers conferred in the first instance inoperative for the protection of the public, rather than give to the Board of Trade an authority, the absolute necessity of which might not have been proved. It was to this circumstance, therefore, that the limited provisions of this clause was to be attributed. The object of the committee was to give to the Board of Trade the amplest information as to what was doing, and if they should find that railways were to be opened, and upon sending down their engineers they should discover that acts of Parliament had not been complied with, then it would be their duty to interfere, and to give a warning to the railway company of the neglect of which they had been guilty, and of which they must take the consequences. Every effectual check would in that case be given, without the authority of the Board of Trade being pushed too far, and he thought that it would be going very far to allow a Government Board at once to interfere to stop the progress of any public work merely upon their own declaration. He believed that the knowledge of the existence of such a power in a Government Board would do much to render it inoperative, for it was hardly to be supposed that a railway company, knowing such an authority to exist, would conduct their proceedings in such a way as to render them open to its exercise. Upon these grounds it was that he supported this clause. So far as his personal interest went upon the subject, it would be to his advantage to oppose such a provision as that proposed, because it would necessarily bring upon the department of which he had the honour to be the head, a vast degree of additional labour involving duties of a most disagreeable description; but he felt that he should be shrinking from his duty if he refused to undertake the exercise of the powers proposed to be conferred upon him. It would be his object to exercise them only in cases where it was absolutely necessary that he should do so, and to interfere in cases in which he could not avoid it.

Mr. *Muntz* entirely agreed with the hon. Member for Bridport. With regard to the question of the inspection of works after their completion, being acquainted with such matters, his opinion might have some weight with the committee. He was decidedly of opinion that it was impossible for any engineer to form a just estimate of the solidity of works upon a railway which was already completed. He looked with very great jealousy upon any Government interference in these matters, and unless very ample grounds were shown to warrant it, he considered that it would be quite unnecessary. He conceived that if Government engineers were appointed at all, they ought to have an opportunity of inspecting the works from the very first; and if this bill proceeded upon any other principle, the House would, in fact, be deceiving the public.

Mr. *Ewart* was of opinion, that all Government interference was highly impolitic.

Mr. *Easthope* fully concurred in the remark, that it was impossible for an engineer to form a just opinion upon the subject of works which were already completed. He had within his recollection an embankment of eighty feet, covering a bridge, and he should like to know how any person going over that could form any opinion as to the solidity of its construction. He conceived, therefore, that the clause would be totally inoperative as it at present stood.

Sir *James Graham* did not support the clause on the grounds pointed out by the hon. Member for Bridport, but he conceived that it must be taken in conjunction with the 5th and the 11th sections. The 5th section empowered the Board of Trade to appoint inspectors of railways, and the 11th enabled the same body to direct prosecutions to enforce the provisions of railway acts. The hon. Member for Leicester, following the hon. Member for Bridport, had observed with great truth, that with respect to the sufficiency of any inspection of works, it could afford but little satisfaction. He admitted that, but he contended, that the converse of the proposition did not hold good for the insufficiency of works might be easily discovered. He could conceive many cases in which the acts of Parliament under which railways were constituted were flagrantly violated with respect to many material points, and in which some interference would be requisite. Cases, for instance, of the bridges being too low, or of one railway traversing another at right angles, from which danger might result, and in which, therefore, some public officer should have an opportunity of inspection; but those cases he conceived were provided for by the clauses to which he had alluded. The notice, therefore, in such instances would have a greater effect than that merely of conveying intimation of the opening of railways to the Board of Trade, because it would enable that body to adopt measures by which any dangerous insufficiency in the public works would be remedied. If the sense of the Committee were taken upon this point, and it should decide against the clause, the noble Lord ought not to press the bill any further.

Mr. *M. Philips* thought that it was impossible that any person should, within the time allowed by the bill, inspect a line of railway in a manner satisfactory to the public. In the first place, the railway would be in so incomplete a condition as to render a proper inspection impossible, and, secondly, the opportunity afforded would be insufficient for the purpose. If the inspection were to be a valid one, it must take place during the progress of the works. He was not insensible to the safety of the public, but he was far from believing that this inspection, if carried into effect, could afford that security which was necessary.

Lord *Seymour* said, the object of this clause was, not to take away from the railway directors that responsibility to which they were already subjected, but there were many cases in which the inspection would be very useful. He would take the case of the Croydon Railway, which had been referred to in the Committee. It was found that a very dangerous arrangement had been made, by which the stations were placed, and the traffic on the line was conducted, in a manner as to render it exceedingly probable, that some accident might have happened. If such an inspection as was now proposed had then taken place, he had no doubt that the mere statement of the danger which might arise would have been sufficient to induce the directors to alter the arrangement. There were many other points in which it might be attended with equally beneficial effects. In cases of building bridges, or of making roads cross lines of railway, it was very important that due information should be conveyed to the Board of Trade. He conceived, therefore, that the notice of one month would give practically to the Board of Trade the power of sending down inspectors to see that the arrangements of the railway were properly made; not to take upon themselves the responsibility of the railways which they directed to be surveyed, but to do that only which they were able to do for the convenience of the public. With regard to the meaning of the clause, he was very willing to take it as involving the general principle of the bill, and if the Committee were not satisfied with it, and were to negative it, they would in effect negative the principle of the bill itself.

Mr. *Hawes* said, they had been informed by the noble Lord, that in discussing this clause, they were, in fact, involving the principle of this bill; so that, in fact, they were now resuming the debate which, but for the lateness of the hour, would have taken place on the second reading. He begged in the first instance to state his opinion that no ground had been made out for this bill—there had been no proof of practical inconvenience or of danger accruing from the existing system, nor had any reason been assigned why the bill should go so much farther than the recommendations of the report of the committee, conferring powers and a jurisdiction which it never contemplated. It had been argued that this species of superintendence was necessary, because the railways were practically monopolies. But he denied that they were monopolies in such a sense as to justify this measure. On the contrary, it was perfectly competent to parties to come to Parliament next session to allow the formation of a new line from London to Manchester. To be sure, his hon. Friend below him (Mr. M. Philips) did not believe in the probability of any such application being made, but he (Mr. Hawes) held in his hand a paper which proved that at all events the project had been entertained. Then, what became of the argument for the bill, founded on the existence of monopoly in the railroad companies. Nor did he see that the necessity for the bill was made out on any more practical grounds. Where was the proof of evil that had arisen from the exercise of the powers of the railroad companies? It was not his fault that they were now discussing the principle on the first clause, but called upon, as he was, for his decision, he would at once say that he should feel bound to oppose the clause. One of the arguments of the noble Lord in favour of this system of interference was grounded on the fact that on some lines in the north the rail was carried across a level road. But how could this bill affect those roads already in existence? It gave no power of retrospective inspection, or to say to the company, "This road must be altered—it must be carried either over or under the level road. The bill went far beyond the recommendations in the report of the Committee. That report recommended that there should be a general superintendence, and an annual return. But this bill gave a power of access at all hours to information connected with the affairs of the company, a power to prosecute, accompanied by the means of collecting evidence from the defendants' own books, and thus bringing the defendants into court under every disadvantage. Surely the House would see that a bill which conferred such powers was most objectionable. To what might not the adoption of such a principle lead? What was to prevent the application of a similar system of inspection to joint-stock banks, canal companies, or any other great public bodies, the operations of which might be supposed to be possibly injurious to the community? He knew that in discussing the general principle of the bill on this clause he was irregular, but they had been invited to do so by the noble Lord; and as the noble Lord had staked the success of the bill upon the result of the division on this clause, he would at once declare his intention of voting against it.

Mr. *Sheil* said there appeared to be an impression that this clause involved the whole principle of the bill. Nothing could be more erroneous. There were other clauses of the bill of great importance that were quite unconnected with this first clause. Nor did this bill exceed the recommendation in the report of the commissioners to the extent which had been alleged by the hon. Member for Lambeth. The question raised on the first clause was whether or not there should be a notice to the Government of the opening of a railway one month before that opening—it did not embrace the question what should be done after such notice had been given. Mere notice might do good, and could do no harm: and the question whether or not notice should be given, did not involve the course to be pursued with regard to the opening of the railway, or the prevention of its being opened. For instance, it might be very wrong to give the Board of Trade a power of absolutely stopping the opening of any railway. The engineer who was a favourite with the Board of Trade might, under such a system, throw obstacles of the most unjustifiable kind in the way of a railway company, and cause loss, which it would be utterly out of the power of the Court of Chancery to fully compensate. But notice having been given under the clause, and the railway having been opened, the Board of Trade would be able to see how far the act had been complied with. All these matters he knew were the subject of subsequent clauses, and a division on the first clause therefore would not embrace the principles of the bill.

Mr. *Ewart* urged upon the House to reflect that this question had assumed a different appearance in the course of the debate. They had been assured by the noble Lord that to discuss this clause was to discuss the principle of the bill, and as they had not yet had an opportunity of discussing the principle, they ought to seize upon this which was almost the only occasion that would present itself. The right hon. the Vice-President of the Board of Trade had argued that the fact of giving notice did not involve the principle against which the opponents of this bill were contending. But notice implied interference. If this principle of interference was applied to railroads, what was to prevent its being extended to canal companies and joint-stock banking companies? On the other hand, what evidence had been afforded of existing evils arising from the present mode of managing railways, to justify this measure? He, seeing that in voting against this clause he should be, in fact, voting against the bill, would most cordially give his vote against a most unjust and injurious principle.

The committee divided, on the question that the clause as amended stand part of the bill. Ayes 84; Noes 18; Majority 66.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Baines, E.
Baldwin, C. P.
Baring, rt. hon. F. T.
Barnard, E. G.
Benett, J.
Boldero, H. G.
Bramston, T. W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H.
Bryan, G.
Campbell, Sir J.
Chalmers, P.
Dalrymple, Sir A.
Darby, G.
De Horsey, S. H.
Douglas, Sir C. E.
Eliot, Lord
Eliot, hon. J. E.
Finch, F.
Freshfield, J. W.
Gladstone, W. E.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T.
Hall, Sir B.
Harcourt, G. G.
Hawkins, J. H.
Hector, C. J.
Hobhouse, T. B.
Hodgson, R.
Hope, G. W.
Hutton, R.
Knight, H. G.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lemon, Sir C.
Lincoln Earl of
Loch, J.
Lushington, rt. hn. S.
Melgund, Viscount
Mildmay, P. St. J.
Morris, D.
Morrison, J.
Norreys, Sir D. J.
Oswald, J.
Parker, R. T.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Philips, M.
Phillpotts, J.
Protheroe, E.
Pryme, G.
Rice, E. R.
Richards, R.
Russell, Lord J.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.
Seymour, Lord
Sheil, rt. hn. R. L.
Smith, B
Somers, J. P.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stock, Dr.
Sugden, rt. hn. Sir E.
Talbot, C. R. M.
Thornley, T.
Turner, E.
Vernon, G. H.
Wakley, T.
Warburton, H.
Ward, H. G.
Williams, W.
Wood, Colonel
Wood, G. W.
Wood, B.
Yates, J. A.

TELLERS.
Parker, J.
Clay, W.

List of the NOES.

Ainsworth, P.
Attwood, W.
Broadley, H.
Easthope, J.
Fleetwood, Sir P. H.
Hawes, B.
Hayter, W. G.
Holland, R.
Hume, J.
Kemble, H.
Martin, J.
Muntz, G. F.
Thompson, Alderman
Vigors, N. A.
Wilmot, Sir J. E.

TELLERS.
Sandon, Viscount
Ewart, W.

On clause 2, which provides that railway companies shall keep such books and make such returns as the Board of Trade shall require.

Captain *Boldero* said he could not but feel surprised that a clause so obnoxious and tyrannical should have been introduced. It did nothing less than empower the inspector or commissioner appointed by the Board of Trade to enter the office of any railway company in the kingdom, and inquire into the most private concerns of the company—into the price of rails, or the price of coke, or any other matter on which he might desire to be informed. It might be said that this clause was necessary for the purposes of taxation. But surely the Government had already sufficient control in this respect. Every railway company was now obliged to send in a monthly return of the number of passengers, and of the distance which they travelled on an average, and this return was furnished on oath by the accountant, a highly respectable and responsible officer. The directors also were obliged every half year to furnish the Government with an account of the receipts of the railway. With regard to the question of taxing railroads generally, he very much doubted the policy of such taxation. Of ninety railway bills that had received the royal assent, in the case of fifteen only the shares of the railways were at a premium; and upon some of them the premiums were so merely nominal, as to render it questionable whether they could be realised on the sale of the shares. Only about five had arrived at a very high premium, and he was not surprised at it, because only three railways in the kingdom had paid a per centage upon the investment. The Great Western Railway was at a premium, but that was rather on a prospective view of the probable profits than upon any actual profit. There was an impression on the minds of the shareholders that the railway would pay, and they were content to let their capital lie for many years in the expectation that the railway would ultimately pay very well. The cost of the Birmingham Railway was estimated at 50,000*l.* per mile; and that of the Southampton Railway, which was the cheapest, was 30,000*l.* per mile. Who would say, that some new system might not be discovered which would neutralize all the present modes of transit? To tax railways under such circumstances was an injustice to the public. His noble Friend below him (Lord G. Somerset) had an amendment to propose, and unless the Government assented to it, he should feel it his duty to divide the committee against a clause so monstrous.

Lord *Seymour* said, the object of the clause was this: the principle of a supervision of railways having been admitted, it was to enable the Board of Trade to call for all accounts which would show the charges imposed by the railway companies on the public. For instance, when 6*s.* a ton was charged for carrying goods. Looking to the toll it would be seen that 2*s.* a ton was all that they required to charge, and it would be found that the remainder was made up of a variety of charges, which it was necessary the public should be made acquainted with. It was also most desirable that the Board of Trade should know exactly what was the amount of accommodation afforded to the public by the railways. Any clause that would give him all this information would be quite satisfactory to him; and he had no desire whatever for that kind of inquisitorial power which had been so much objected to.

Lord *G. Somerset* proposed to move an amendment removing from the inquisition of the Board of Trade all the purely private concerns of the railway companies, while, at the same time, it would admit of their obtaining all the information really required for the public service. It was most important that there should be some authentic register of the traffic upon the railways, but he would much rather that this bill were attacked for being insufficient in its enactments than for being too stringent. For the purpose of providing all that was necessary for the public, and at the same time of avoiding the objectionable parts of this clause, a clause had been placed in his hands, which had been agreed to by many influential parties connected with these companies, and which he thought was very likely to be adopted by the committee. This clause he would move by way of amendment. The effect of it was to enable the Board of Trade to call for accounts with regard, first, to the total number of passengers and the aggregate number of miles they travel over each railway. The total tonnage of goods and the number of miles they travel over, also an account of all personal injuries to passengers, and an account of the average tollage paid on passengers and merchandize. These were the provisions of the clause which he wished to substitute in the room of the present one; but, in addition, he thought that if one railroad company was called upon to furnish such a return, all should be called upon, as it would be extremely invidious if they made a distinction. Again, he should propose, with reference to the notice required, that if the return was made within five days after the thirty days required, the penalty should be moderate. He thought that by the course he had suggested, they would be enabled to get good statistical returns as to the number of passengers, the tonnage of the goods conveyed, and the average gain made on each. He would recommend the noble Lord to adopt the substitution of some such amendment as he had suggested. He admitted the splendour and munificence with which some of these great works had been completed, and the great facilities that had been afforded for rapid communication from one place to another, but he thought that it was the duty of the Legislature to see whether it could not afford further security and accommodation to the public, without, however, sanctioning any vexatious or inquisitorial proceedings towards the railroad companies.

Lord *Seymour* should not object to striking out the clause as it stood, but he was not prepared at present to adopt the new clause suggested by the noble Lord. The amendment proposed did not give all that was required; for he thought that it was not only desirable to know the number of passengers which travelled on the railroad, but it was important that they should know what means of conveyance was furnished on each railroad to the labouring classes, and also which railroads did, and which did not, furnish such means of conveyance. He thought also that they should not only have a return of the accidents by which injuries were inflicted upon passengers, but also returns of accidents by which property was injured. With regard also to the tolls and rates on railroads, the public should be made fully aware of the difference, and what was charged on the public in the shape of tolls. He also thought that there should be a registry of the servants employed on the railroads, because he understoood that at present it was by no means uncommon, when a servant was dismissed by one railroad company for neglect or misconduct, at once to get employ on another railroad. As the House appeared to object to the clause as it stood he would not press it.

Mr. *Loch* would appeal to the noble Lord opposite whether there were not most important omissions in the clause which he wished to propose, as to the extent of information which it was desirable to get for the public convenience. In the first place they should have returns of the number of passengers, and the average distance each travelled. Secondly. they should be furnished with the charge of conveyance; and, thirdly, they should have returns of the quantities of goods conveyed, and the charge per ton for such conveyance. The question was, whether certain railroad companies did not carry goods at the expense of passengers, and others passengers at the expense of goods. He believed that it was often the case that the railroad companies lost by the conveyance of goods, and charged more in consequence than they otherwise would on passengers. He believed that between Manchester and Liverpool this was the case, and that the charge was too low on goods to pay a profit, and was therefore too high on passengers to mak up for any loss that might arise. He trusted therefore that the noble Lord (Lord Seymour) would press that part of the clause by which returns would be furnished, as to the charge for transit of goods, and also for passengers. On this subject some of the witnesses examined before the committee on railroads had questions put to them. One gentleman—the secretary to the Manchester and Liverpool railroad—stated, in answer to some questions put to him, that the railroad company was obliged to charge a premium on the conveyance of passengers, to make up for the loss in the carriage of goods. The evidence thus given showed the importance of having such returns as he had just suggested.

Mr. *Easthope* understood that the noble Lord wished to procure returns as to the charge of locomotive power on railroads. At any rate, if such returns were required, he was quite sure that nothing of the kind could be afforded with any degree of accuracy. The evidence before the committee showed that great diversity of opinion prevailed on this as well as on other subjects brought before them. It must be obvious that many accidents might occur on a railroad of which the directors could have no cognizance; for when an accident did occur on a railroad it was natural those immediately concerned should be anxious to keep it from the knowledge of their employers. If, in a long line of railroad an accident occurred, and no complaint was made to the directors, they might know nothing whatever about it. If, therefore, it was intended to frame a clause, making it penal not to make a return of accidents occurring, he trusted that railroad directors would be placed in the situation of being enabled to obtain such returns.

Lord *Granville Somerset* thought that it would be advisable to draw a distinction between accidents of a serious or trivial nature. When, however, a serious injury was inflicted, he thought that the railroad directors should have sufficient inspection over their servants to insure their obtaining a knowledge of it. Railroad directors could not always insure proper conduct on the part of their servants, but they had the means in their power of controlling them to a considerable extent; he thought it would be an additional security for the public if returns were enforced of all accidents where personal injury was experienced; they should also know, as far as they possibly could, the cause of such accidents, for they sometimes occurred from the insufficiency of means of conveyance provided, or from other similar censurable causes. He objected to the insertion in his clause of such returns as had been suggested by the noble Lord, as to the expense of conveyance on railroads for passengers or for the transit of goods. He did not think that the House should interfere with the profits of railroad companies; and whether they were 1¼ or 25 per cent., he did not conceive that the House had anything to do with it. As for the profits or losses on the Liverpool and Manchester railroad for the conveyance of goods, he did not think that it would justify the House interfering. He would not, therefore, consent to adopt any words into the clause by which the House would be induced to pry into private matters. With respect to their expenditure or income, let the companies manage it as they thought fit without the interference of the House; and, in his opinion, the only returns that they could properly demand from these bodies were such as was necessary to insure safety to the public, and to prevent the commission of fraud.

Mr. *Labouchere* felt that it would be advisable for his noble Friend to postpone this part of the subject until the report was brought up. He thought, however, that the House would run a great risk of danger if they at once adopted the amendment suggested by the noble Lord. It would be desirable, therefore, that the noble Lord should give notice of his amendment, and his noble Friend could prepare such alterations as he thought it desirable to make, by which means he hoped that all the objections which had been raised would be ultimately obviated. He feared, however, that if the committee limited the powers of inspection under this clause in the manner that had been suggested, that some of the most important objects which the committee up stairs had in view would be defeated. He had always thought that an important distinction should be drawn between the charges of railroad proprietors as owners of the road in the shape of tolls for the carriage of goods and passengers, and the charge for conveyance. Powers had been given to railroad companies which were never contemplated by Parliament at the period when the first bills received the sanction of the Legislature. He should be glad if the Board of Trade had the means of separating the profits of the railroad companies, as the proprietors of the roads, from those they derived for acting as carriers. He did not know how there could be an injustice in separating these charges one from the other, and he certainly did not see how this could be done without learning the expense of locomotive conveyance. He did not think that the amendment of the noble Lord would enable them to make this distinction or separation, or that there would be any means of placing the receipts under one head or the other. He believed the best course would be to strike out the clause, and another could be proposed in its place when the report was brought up.

Mr. *Finch* said, it was manifest that a great change in the mode of travelling had been effected from one end of the country to the other, and it was desirable to obtain every information by which to enable Parliament at a future period to determine what rate the railway companies ought to charge.

Mr. *Ward* was convinced that the right hon. Gentleman (Mr. Labouchere) could not carry into effect the subdivision of accounts of monies received for goods and passengers without great inconvenience.

Viscount *Howick* agreed, that it would be better to have periodical returns in a form that should be prescribed, than to allow the Board of Trade the power of calling for returns. But he could not agree that the returns to be made could be too particular; he thought that every particular should be included in these periodical returns. No well-managed concern had anything to fear from publicity, and it was most important to the public to know not only the rate of tolls, but the amount of profits received by the company. The House should recollect that it might be called to determine whether it would give its assent to the establishing of competing lines of railroad, and it was, therefore, of the greatest importance that it should have an accurate knowledge of the amount of charge, and of profits of rail-road companies. Moreover, the mere fact of knowing what the amount of profit was, operated as a great check upon exorbitant charges. If very large and exorbitant profits were made, it would lead to establishing competing railroads. It was quite impossible that different parties could run locomotive engines on the same railroad. The House had a right to know the amount of profits received, and he hoped that when the noble Lord framed the clause, which was to be substituted for the clause as it now stood, calling for periodical returns in a particular form, he would take care that the returns should show every particular.

Mr. *Hawes* said, one of two things must be done—either the minute and precise returns required by the noble Lord should be furnished, or the Board of Trade must have the general power of calling for returns. He could conceive nothing more dangerous than such a general power. On the other hand, if returns so minute, as described by the noble Lord, were required from railroad companies, it would inflict great and deep injustice. He knew that railroad companies were desirous of giving every necessary information, but they desired to have the information defined.

Lord *Seymour* said, he wished to obviate by the returns an evil which existed on some railroads, where the labouring classes were shut out of the carriages altogether. As to the objection to the words, "tolls and other charges," it had been asked, "What other charges were there?" That he wanted to know. On the Liverpool and Manchester Railway, the rates as to goods were limited, but he had heard complaints that an additional charge had been levied on goods under the head of "porterage," and if he had introduced the term "porterage," then the act would have been evaded by a charge being made for "packing." It was important that the charges on the public should be known to the public.

Mr. *Brotherton* said, it was quite necessary that railroad companies should give all necessary information and show the expense of their locomotive power. It might be that a railroad was not a monopoly, but it must be treated as a monopoly. In the first place, the locomotive engines must be in the hands of the company, and it was impossible that a carrier on a railroad could compete with the company. There was an essential difference between a railroad and a canal; Parliament limited the tolls on canals, but not the carriage. Whatever law they made, it was virtually a monopoly to the company, and they could charge what they pleased for carriage. With respect to the returns that were referred to in this clause, he thought there could be no objection to their being furnished.

Mr. *Turner* cautioned the committee as to adopting this clause; because, if they took the first step, they might go on until they called for an account of the profits of any company, or of the Bank of England, and carried out the principle to all trades, and to the meanest description of persons.

Sir *R. Peel* said, he could not quite concur with the hon. Gentleman who had just sat down. The hon. Gentleman had asked, whether the House would extend this principle so far as to call for an account of the profits of private companies, or of the Bank of England? Yes, he said, he would call for such an account from the Bank of England, because peculiar privileges were given to it by Act of Parliament. He would not call from any private or joint-stock company, that was under the ordinary operation of the law, for a detail of their profits; but he would do so with the Bank of England for the reason he had stated, and it was on that principle he would assimilate railroads to the Bank. And then it was objected, that they asked for private information. He thought the principle of the new clause that was to be introduced into this bill, or that which ought to be the principle of it, was this—to specify the general objects aimed at in the clause, but to leave the details to the discretion of the public department calling for the returns. Because, if they went too much into detail, two inconveniences might result: they, on the one hand, might be too minute, and establish an inquisition which it was their wish to avoid; and, on the other hand, if they described the kind of information they were to have, it might be in the power of the railroad companies to evade the law by making some new regulations. And how ought the public department to which such power was intrusted, to exercise it? It could not be supposed that it would exercise it improperly; but it must have a certain latitude in order to obtain the necessary information. It was, therefore, of no use to tie the hands of either party by precise enactments, endeavouring to foresee every possible case. He thought, too, it was for the interest of the railroad companies to afford all rational information that was required of them. Their monopoly was complete; but then the House had this check upon them—they might establish rival companies. But they did not want to do that, unless there was clear proof that undue profits had been made. There was no desire on the part of this House to interfere with those who ran the first risk, and who were getting only a sufficient return for their capital, and to cover their risk; nor should it be done unless the public benefit was likely to be endangered. But how could they avail themselves of that check? How could they establish rival railroads unless they had all the information necessary for the purpose? He was sure that a department properly constituted would not fail in obtaining such requisite information; and as he believed that the railroads generally were presided over by honourable men, who considered the interests of their particular company, and who had strong feelings in favour of its general reputation, he was certain it would be in the power of any public department, framing its regulations in connexion with a company, on the one hand to avoid vexatious interference in the details of the business of that company, and, on the other hand, to extract from them all the information required. But he would go further, and say that it was for the interests of the companies to give this information; because, if the proprietors withheld it, then Parliament could say, "If you refuse to give us the information we want, we will exercise the power we have and establish a rival company." In fact, it appeared to him that the interests of the public and of the company were in exact concurrence.

Mr. *Easthope*, as the House had now determined to begin, was exceedingly anxious that their legislation should be as definite and effective for the interests of the public and the railroad companies as it could possibly be. As to any concealment of charges and profits by railroads, he should have thought it was thoroughly unworthy of them. Every member of a railroad company had a right to demand an account, and it was impossible that the profits could be divided amongst the proprietors without their being made known to the public. He was exceedingly anxious to see every thing connected with railroads placed on a clear and intelligible footing; and that the railway companies should look to the magnitude of their business and the minimum of their charges as the basis of their profits.

Mr. *Morison* thought there would be no benefit derived from minute inquiry, and that the principle was wrong; but it was important it should be generally understood, that railroads were a monopoly, and nothing but a monopoly, and ought to be treated as such. Whether they were carriers for the public, or carriers for other carriers, or were the medium for other railways, it made no difference; in all cases they might charge what they pleased. And it was perfectly well known to every one, that the introduction of a new gas company, or new water company, instead of reducing the rates paid by the public for those articles, increased them.

Mr. *Baines* thought it was not proper to institute an inquisitorial or vexatious inquiry into minute points. In other countries, they were beginning to expend large sums in the construction of railways, and yet no restrictions were imposed there. If, then, such restrictions were imposed here, it was likely that capital would find its way into France, and be invested there. He hoped the restrictions that were imposed would not be more stringent than was necessary to carry into effect the objects which the public and the company must have in view—namely, to make the railroads beneficial to the proprietors themselves and to the public.

Clause 2 struck out; as were also Clauses 3 and 4.

The remaining clauses were disposed of, and the House resumed.

RATING STOCK IN TRADE.] The *Attorney-General* moved that the House resolve itself into committee on the Rating Stock in Trade Bill.

Mr. *Goulburn* was obliged to make a short statement on the subject of the bill, and take the chance of a longer and more satisfactory debate on another night. He entertained strong objections to the present bill, which would alter the established principle of our law of rating that had subsisted since the time of Elizabeth. The hon. and learned Gentleman proposed to exempt from rating that description of property called stock in trade. The necessary consequence of exempting one class of property from rating was the imposition of increased burdens on another, and therefore this bill was, strictly speaking, an augmentation of taxes on every other species of property, to which no compensating advantage was given. Representations had been made to him that in most places a very heavy police rate was paid to protect the very property which the bill was intended to exempt. The printed communications from the Poor Law commissioners showed that a vast quantity of property would escape rating under the bill which ought, on every principle of justice, to pay its proportion. By removing liability to the rate from this, great injury would be inflicted on every other species of property. The principle of the law of Elizabeth was, that it should bear equally on all parties. If that principle were to be altered by such a measure as the present, Government should take care to grant corresponding advantages to the property which would suffer from its operation. He contended that the bill would press very hardly on the owners of tithe. In their case the rate would be charged upon the full amount of the property, including the maintenance of the owner and the subsistence of servants. In the case of the owner of an estate, the rate would be charged on the sum paid to him as rent, the allowance for his own maintenance, and the subsistence of servants being exempted. Another circumstance, that the person on whom they were pressing was the only professional person whose professional income was taxed by the state, was an additional inducement why they should do nothing that would operate injuriously on the interests of the ecclesiastical tithe-owner. Various modes of relief might be adopted; the law might be left as it was, or some provision might be made as to the proportion in which ecclesiastical tithes should be rated with reference to other species of property, or allowance might be made to the ecclesiastical tithe-owner out of the tithe to be rated, adequate to the value to the public of their professional services. To adopt either of the last two courses, he was satisfied, would be an act of justice, and he trusted one of them would be adopted. If public convenience required that the rating of stock in trade should be dealt with by legislation, the House was bound to take care that the change was not made at the expense of a meritorious, and, he felt bound to say standing in the situation he did, an ill-defended class of men.

The *Attorney-General* was at a loss to understand what was the intention of the right hon. Gentleman. Was he opposed to going into committee at all? Or did he really think that it would be better to let the law remain as it was? If the right hon. Gentleman thought so, he was the only man in the House, or in the country, who held that opinion. The right hon. Baronet had most forcibly pointed out the other evening the necessity for an alteration, and with some justice complained of the Government for not having sooner brought in a measure to remedy the inconvenience of the existing law. It had been found utterly impossible that a rate on stock in trade could be so modelled as to be free from legal objections. That arose from the word "inhabitants" in the 43d Elizabeth; and for the purpose of applying a remedy this bill was introduced. In fact, the law had become quite odious, and except in a very few instances, no attempt had been made to enforce it. Then the bill made that law which was at present usage. The right hon. Gentleman had not said that even the tithe-owners had reason to complain of the measure; he had only contended that one particular class, the ecclesiastical tithe-owners, would be injured. But what was the difference between tithe and land? One was just as much real property as the other. The rate on land was made on a computation of the value which a solvent tenant would pay for it, after all costs and charges were discharged. On exactly the same principle tithe was to be rated. If, then, the owner of land had no reason to complain, neither had the owner of tithe generally reason to complain; and what was the distinction between lay and ecclesiastical tithe? It might be true that the ecclesiastical tithe-owner received his tithe, in part, as a payment for his professional services, but he received it, and had done so ever since the 43d of Elizabeth, subject to a deduction for poor's rate. He should strenuously resist any alteration in the bill that at all touched the relative liability of occupiers of real property, as he should any that went to exempt coal mines, or canals, or which would extend beyond the change to be effected by omiting the word "inhabitants" from the statute he had mentioned.

Sir *E. Wilmot* agreed, that either this bill, or some such bill, must pass; for we could not go on any longer as we were going on at present; for there was now no rate which could not be successfully appealed against. He wanted to know from the hon. and learned Attorney-general whether a clause might not be introduced into the bill defining what machinery was to be considered attached to the freehold, and what not? In other words, he wanted to know whether the hon. and learned Attorney-general would define in this bill the property which ought to be rated, and that which ought not?

Mr. *Darby* thought that it would be better to pass a temporary bill upon this subject, and to take the whole matter into consideration early next session.

Captain *Wood* agreed with the hon. Members who had preceded him, that it was absolutely necessary to pass some measure on this subject. But whence had that necessity arisen? From the circular of the Poor-law commissioners, and from nothing else. He deprecated the practice which had recently sprung up—namely, that the Poor-law commissioners should issue their mandates throughout the country, and should thereby overturn every thing which had hitherto been considered law.

House in committee.

Clauses of the bill agreed to.

House resumed.

HOUSE OF LORDS,

Friday, July 24, 1840.

MINUTES.] Read a first time:—Insolvent Debtors (Ireland); Soap Duties; Turnpike Acts Continuance; Turnpike Acts Continuance (Ireland).—Read a second time:—Caledonian Canal; Bills of Exchange Acts Continuance; Poor-law Commission.

Petitions presented. By Lord Sydney, and the Earl of Mounteagle, from Bradford, Uxbridge, Worcester, and other places, against the Sale of Beer Bill.—By the Bishop of London, from the Minor Canons of St. Peter's, Westminster, in favour of the Ecclesiastical Duties and Revenues Bill.—By the Bishop of Rochester, from the Clergy of the Archdeaconry of Essex, against the Bill.—By Lord Brougham, from the county of Chester, against the Weaver Navigation Bill; from sundry Rational Religionists, for Inquiry into the Truth of their Doctrines; and from Leeds, for the Repeal of the Corn-laws. [Their Lordships' again heard Counsel against the Ecclesiastical Duties and Revenues Bill.]

HOUSE OF COMMONS,

Friday, July 24, 1840.

MINUTES.] Bills. Read a second time:—Attorneys and Solicitors (Ireland); New South Wales and Van Dieman's Land; Sugar (Excise Duties); Roscommon Town-lands.—Read a third time:—Turnpike Acts Continuance; Turnpike Acts Continuance (Ireland); Commerce and Navigation; Affirmations.

Petitions presented. By Sir Robert Inglis, from the High Sheriffs of Gloucestershire, Wiltshire, and Monmouthshire, and several Justices of the Peace, for an Alteration in the mode of Pleading on Criminal Trials.—By Mr. Thornely, from Liverpool, for a Reduction of the Duty on East India Coffee.—By Sir John Yarde Buller, from Landowners in Brixham, against the Rating Stock in Trade Bill.—By Lord Hotham, and Mr. E. Tennent, from Medical Practitioners of Queen's county, and Antrim, for Remuneration for attending at Inquests.—By Mr. Kemble, from St. Mary's, Newington, against Clauses in the Parochial Assessments Bill.—By Mr. Mackinnon, from the Watermen of the Thames, against the proposed Embankment of the River Thames.

FARNHAM RECTORY.] Sir *R. Inglis* moved the Order of the Day for the third reading of the Farnham Rectory Bill, for the purpose of having it discharged.

Order read and discharged.

Sir *R. Inglis* said, perhaps he might now be indulged in stating, that he had yesterday declined giving an answer publicly to that question which had been put to him, because he did not think that any hon. Member had a right to put the question, having previously stated that he did not intend to move the same question on which he had been defeated before. He had stated privately to a noble Lord his motive for postponing the third reading, and would have done so to any hon. Member who asked him.

Bill put off for three months.

ADMINISTRATION OF JUSTICE.] On the motion for reading the Order of the Day for going into Committee of Supply,

Sir *E. Sugden* begged to ask the noble Lord opposite when he intended to proceed with this important bill for the administration of justice? He must say, that if the bill should be pressed through the House, at that late period of the Session, he should feel it his duty to oppose it.

Lord *John Russell* said, he thought it most desirable that those bills which had originated in the House of Commons should be sent up to the House of Lords, before they took into consideration bills that had come down from the other House. He therefore did not intend to proceed with the Administration of Justice Bill till next week.

Sir *E. Sugden* said, that this was an unusual course to take with respect to so important a bill. He should certainly oppose the passing of the bill this Session.

FISHERIES.] Mr. *Darby* begged to ask the noble Lord, the Secretary for Foreign Affairs, whether the treaty with France upon the subject of our fisheries had been definitively agreed to?

Viscount *Palmerston* feared he had not been sufficiently understood on a former occasion. The regulations to be carried into execution by an Order in Council were not regulations applicable to the space between three miles of the shore on either side. That space was by the treaty preserved to each party, and each party would therefore exercise its own jurisdiction within that space. The regulations, to give effect to which, if they should be made, an Act of Parliament was required, were to be prepared by commissioners, one on the part of France, and one on the part of England, for the guidance of the fishermen of the two countries when they met on that part of the sea which was beyond the three miles on either side, and which was the highway of all nations. The House would perceive that, except by mutual consent, no regulations could be made binding upon the fishermen of the two countries when they met in that situation; but as it often happened that the long-line nets and trawl nets of the one party interfered with the other, each country had, on its own authority, made regulations for the guidance of its own fishermen, but the consent of both parties was necessary to apply such regulations to the fishermen of the two countries. Within the prescribed distance from shore, England would apply its own regulations to its own fishermen, and France would apply the regulations of its own Government to its own fishermen, but beyond the three miles he hoped that the commissioners would be able to frame such regulations as would best protect the mutual and reciprocal interests of the fishermen of both countries. These regulations could not receive the force of law until the next meeting of the French Chamber of Deputies, which would probably take place about the beginning of December, but they would be given effect to at the earliest moment.

Subject at an end.

ROYAL CHAPLAINS (SCOTLAND)—DR. MACGILL.] Mr. *Goulburn* begged to put a question to the right hon. Gentleman, the Chancellor of the Exchequer. When he had the honour of holding the seals of the Home Department, it happened that the office of Dean of the Chapel Royal of Scotland and King's Chaplain was vacant. He made inquiry, with a view to ascertain who in Scotland was the most eminent person and the best qualified for the situation, in order that he might submit the name to his late Majesty. He found that some communication had already been held by his predecessor with Dr. Macgill, an eminent divine, and he had reason to believe that his predecessor, from the good opinion which he in common with all acquainted with his merits entertained of Dr. Macgill, intended to have recommended him to his Majesty. Under these circumstances, and having convinced himself of the fitness of Dr. Macgill, he submitted his name to his Majesty, and Dr. Macgill received the appointment, in the usual form, of one of his Majesty's chaplains for Scotland, upon which he was appointed Dean of the Chapel Royal. The Treasury, however, refused to pay Dr. Macgill a salary under the appointment, and Dr. Macgill applied to him, he being the individual that recommended that rev. gentleman to the Crown. On receiving this intimation, he addressed a letter to the First Lord of the Treasury, pointing out the circumstances of the case, but although he had again written subsequently, that noble Lord, for some reason or other, had not thought fit to return a reply; and he was, therefore, under the necessity of troubling the right hon. Gentleman for some explanation. He found that there was no irregularity in the form of the appointment, and he was utterly ignorant of the grounds upon which the Treasury had thought fit to withhold Dr. Macgill's salary. That salary had been confirmed by a decision of the committee that sat upon the civil charges of Scotland. The subject was brought before the committee, and had been decided in favour of the King's chaplains. Under these circumstances, considering himself in honour bound to see this appointment, which had the sanction of his late Majesty when he had the honour of holding the seals of office, carried into effect, and having no means of obtaining information from the Treasury, he hoped to be favoured with some explanation by the right hon. Gentleman, the Chancellor of the Exchequer.

The *Chancellor of the Exchequer* thanked the right hon. Gentleman for having communicated his intention of putting this question. There was nothing irregular in the form of this appointment, and no objection whatever was made to the rev. gentleman. The case stood thus: Subsequently to the Civil-list Committee, some discussion took place in that House, in which it was stated that it was the intention of the Government, that on future appointments to this office no salary should be given. In accordance with that declaration, he understood that the Treasury had refused payment of salary, the appointment being one unaccompanied with duties, to which, consequently, no salary was attached. He had not been able to refer to the particular debate on which such a declaration had been made.

Mr. *Goulburn* did not consider the answer of the right hon. Gentleman at all satisfactory. The imperfect recollection of an unknown debate, of which there was no record, was set up against the recommendation of a committee, and against uniform practice.

The *Chancellor of the Exchequer* said, that a discussion took place in that House, during which it was stated that salary should not be withdrawn from the parties who then held office, but that in case of any future appointment, no salary should attach to the office. That discussion took place before Dr. Macgill's appointment, and when that rev. gentleman applied for his salary, the answer was that no salary attached to the office.

Mr. *R. Steuart* happened to be in office at the time this question was discussed, and his recollection of it was this:—Very shortly after coming into office, the question was raised as to the salaries of the chaplains in Scotland, there being at that time four vacancies. The warrant appointing Dr. Macgill had been sent to the

Treasury, and application had been made for the salary, but that had been done previous to the right hon. Gentleman opposite leaving his situation as First Lord of the Treasury, and the question was then raised whether the salary of *50l.* a year should issue to Dr. Macgill. There was a distinct understanding, that this was one of the offices which was not to receive any salary. That was the real state of the case. The warrant issued from the Home-office then did not carry any salary.

Sir *R. Peel* was in office when the appointment of the reverend gentleman was made, and he did think that after the recommendation of the Civil-list Committee, that reverend gentleman had everything on his side. He had the favour of his Majesty and the recommendation of a committee of the House of Commons, and considering that the appointment was one made by a deceased monarch, he thought it was bad taste to refuse the salary.

Mr. *Hume* had taken some trouble in this matter, having written to the Chancellor of the Exchequer, reminding him that the Sinecure Committee had decided that no salary should be attached to this office. He thought the Chancellor of the Exchequer deserved the thanks of the House and the country for his conduct.

JOHN THOROGOOD.] On the question being again put,

Mr. *T. Duncombe* begged most respectfully to call the attention of the House to the resolution which was passed in the last Session of Parliament. It was this:—

"That it appears by certain papers laid before this House, 'that John Thorogood, a Protestant Dissenter, has been confined in her Majesty's county gaol of Essex, since the 16th day of January last, for neglecting to appear in the Consistorial Court of the Bishop of London, for the non-payment of *5s. 6d.* being the amount of Church-rate assessed upon him for the parish of Chelmsford; and whereas, during this period, the said John Thorogood has been treated with un-called for severity,' it is the opinion of this House, that the imprisonment of the said John Thorogood is not only cruel and unjust, but reflects great discredit upon those at whose instigation these proceedings were instituted, and under whose sanction they are so pertinaciously and vindictively continued; and while this House laments that it has not the power of affording immediate relief to the said John Thorogood, yet it is of opinion that it will be the duty of the Legislature, at the earliest possible period of the next Session of Parliament, to make such alterations in the existing laws for levying Church-rates as shall prevent the recurrence of a like violence being ever again inflicted upon the religious scruples of that portion of her Majesty's subjects who conscientiously dissent from the rites or doctrines of the Established Church."

This resolution was not only condemnatory of the imprisonment of John Thorogood, but it amounted to a declaration that the House pledged itself, during the present Session, to bring forward some measure that would prevent a like violence being ever done to the conscientious scruples of Protestant Dissenters. How had the House redeemed that pledge? Had it taken any step whatever to redeem it? No; on the contrary, it had taken the very opposite course. He had proposed to introduce a bill which would have had the effect contemplated by that resolution, but he was not permitted to bring it in. He was told by many hon. Members, that although they objected to any bill, yet they would vote in support of any motion for the release of John Thorogood if put in the shape of an address to the Crown, or in any other form that would effect the object. He was now therefore, about to give the House an opportunity of carrying their wishes into effect by moving an address, praying that her Majesty would be pleased to take into her merciful consideration the case of this unfortunate man, with a view to his release. He knew that he had first to establish the fact that the Crown possessed the power to liberate this individual; and next to show that John Thorogood was a worthy object, in whose favour that power might be exercised. He was well aware that there was no precedent whatever for the Crown interposing in a case of this sort, but that was no fault of his; because he believed that for the last 150 years there was no instance upon record of such a gross persecution as that which had been evinced towards Mr. John Thorogood. But although there were no precedents of late years, there were precedents in former times for the Crown so interfering. But before mentioning them, he begged to ask what was John Thorogood guilty of? He was confined for what was called a contempt of the Consistorial Court of the Bishop of London, for not putting in an appearance to a citation from that court. After all, it was no actual contempt of the court, but was merely what the lawyers would call a constructive contempt. He had not insulted the judge, nor the process of the court; he had merely not put in an appearance, and there was no necessity whatever either for the judge of the court, or for the Bishop of London, or the churchwardens or rector of the parish, to take the cruel and vindictive course they had done. They might have adopted the same course as was pursued in the case of an individual of the name of Baines, in Leicester. He was cited in the Bishop's Court—he never entered appearance—a monition was issued against him, calling upon him to show cause why judgment should not be signed against him: he disobeyed that monition, and the court proceeded, and execution was now out either against his person or his goods, for a church-rate of 2*l.* 5*s.* 3*d.*, and 125*l.* costs. But Mr. John Thorogood had been treated in a very different manner. He was in prison for contempt, and unless the House interfered, by an address to the Crown, there was no way whatever by which he could get out of prison, unless he should be carried out a corpse from the dungeon where the church had incarcerated him. But he would now advert to the precedents. They occurred in the time of the Stuarts. The declaration for the liberty of conscience, which was published by Charles the 2nd, clearly laid it down, that the Crown had the power of interfering in these sort of cases. It was published on the 15th of March 1671-2 by the advice of the Privy Council. After stating his Majesty's care for the preservation of the rights of the Church, it proceeded thus:—

"But it being evident, by the sad experience of twelve years, that there is very little fruit of all those forcible courses, we think ourselves obliged to make use of that supreme power in ecclesiastical matters, which is not only inherent in us, but hath been declared and recognised to be so by several statutes and Acts of Parliament. We do, in the next place, declare our will and pleasure to be, that the execution of all, and all manner of penal laws in matters ecclesiastical, against whatsoever sort of non-conformists, or recusants, be immediately suspended, and they are hereby suspended. And all judges, sheriffs, justices of the peace, &c., are to take notice of it, and pay due obedience thereunto."

Under this declaration 460 Quakers were released from prison, where they had been committed for non-payment of tithes. He was quoting from "The Christian Progress of George Whitehead," who in his observations upon the effects produced by this declaration, stated that "the King discharged and delivered of many of our suffering friends out of the prisons, remitting their fines, and releasing their estates." It was rather an extraordinary fact, that there were several individuals committed to the very county gaol in which poor Mr. Thorogood was now confined. Mr. Whitehead gave an account of his visiting that gaol for the purpose of releasing his suffering friends there, and he stated that the magistrates did all they could then, as they did in the present case, to retain them. In the subsequent reign an order was sent down by Lord Sunderland, then Secretary of State, requiring the goods of certain dissenters to be given up that had been seized, but not offered for sale, a disposition prevailing in that day, as well as in this, among the people not to purchase goods seized from persons under such circumstances. The letter was in these terms:—

"Whitehall, Dec. 14, 1687.

"Gentlemen—The King being informed that some goods belonging to John Wales, and other Quakers of Leeds, which were seized and taken from them upon the account of their religious worship, do remain unsold in the hands of John Todd, who was constable at the time of the seizure, or in the hands of some other persons: and his Majesty's intention being, that all his subjects shall receive the full benefit of his declaration for liberty of conscience, his Majesty commands me to signify to you his pleasure, that you cause the goods belonging to the said John Wales, and all other Quakers of Leeds, which were heretofore seized upon the account of religious worship, and are unsold, in whose hands soever they remain, to be forthwith restored to the respective owners without any charge.—I am, gentlemen, your affectionate friend and servant, "SUNDERLAND."

It was quite clear, therefore, that at that period, the Crown had the power of interference for which he was contending, and he had yet to learn when that power was taken from the Crown. Unless Gentlemen could prove that the Crown had, since the time of the Stuarts, been deprived of this power, and were prepared to say that the Queen was not the supreme head of the Church, any attempt to argue away the inherent power of the Crown to interfere in this case would be of no avail. Admitting, then, that the Crown had this power—was John Thorogood a fit and worthy object for having it exercised towards him? He would maintain, that John Thorogood was a fit and worthy object. He was a most humane, kind, and amiable individual, and was now suffering purely for conscience sake: he had been already eighteen months in a cold, unhealthy gaol, and he should be glad to know when the vindictive feelings of the Church would be satisfied with this unfortunate man's sufferings. All sorts of reports had been circulated about John Thorogood, every one of which, if specifically brought forward in that House, were capable of being rebutted. He understood that the hon. Baronet, the Member for the University of Oxford, had paid a visit to Mr. Thorogood in Chelmsford gaol, and he had the opportunity of finding that Mr. Thorogood existed there, and that there he was likely to remain. The hon. Baronet went as a sort of illustrious visitor, totally and entirely *incognito,* and the individual whom he went to see had not the least idea of who the personage was that did him the honour of a visit. A short colloquy took place between these two distinguished men, and at its termination, Mr. Thorogood was made acquainted with the name of the mysterious stranger. Mr. Thorogood had written to him a letter, in which he observed that as it was quite possible that Sir Robert Inglis might refer to what passed between them the other day, he was desirous of making him acquainted with the particulars; therefore, with the permission of the House, he would read Mr. Thorogood's own words. The hon. Member read the following letter:—

"*Chelmsford Gaol, July* 17, 1840.

"Dear Sir—I thought I would take the liberty of sending you word what passed between Sir R. Inglis and myself on his visit to me, as probably he may refer to it on your motion for the 21st. He came in with the turnkey, who knocked at my room door. I said 'Walk in.' They then walked in. Sir Robert commenced by saying, 'I am no friend of yours, but I hope I am no enemy.' I then said, 'I hope not, I beg you will be seated.' He saw a bird in the room, and said, 'Oh, this is your bird.' I said, 'Yes, Sir.' He then said, 'How is the state of your health?' I replied, 'Not very good,' for I had got rheumatism down the whole of my left side, and I felt a numbness, which I thought appeared like paralysis, and I had suffered dreadfully in my head, from rheumatism. He said, 'Oh, they are quite different complaints.' I said, 'I must beg to differ, for I thought they both proceeded from stagnation of blood, produced by cold, but I don't understand it much.' He observed, 'it is a good thing you are allowed to have your wife backwards and forwards.' She happened to be in the room at the time. I said, 'Yes, it is; I am thankful for it.' He then said, 'Have you no other room but this?' I said 'No.' He replied 'A very good room.' I said 'Yes, but very cold.' He then said 'Do you have it to yourself?' I said 'Yes, but I should not mind having company, as mine was like solitary confinement.' He next asked 'Have you anything to complain of?' I replied 'Oh, yes, a great many things: first, of the unmercifulness of the system that had thrown me into prison, for we read, Sir, in the Bible—"Be ye merciful, as your Father who is in heaven is merciful;"—and I thought my prosecutors had not shown me much mercy by imprisoning me eighteen months for 5*s.* 6*d.*' He said, 'I don't mean that (I suppose he did not like scripture quotations, for I took him to be a parson, knowing, as I do, that not many of them are spiritual minded). He said, 'I mean as it regards your treatment here.' I said, 'Yes, I have complaints to make about that; I did not like being locked up at nine o'clock every night in the summer time, as an hour later in the yard would be pleasant in the cool of the evening, and I complained of being prevented from working likewise. The distinction made between rich and poor debtors, if he could call me a debtor—for rich men come here and pay 8*s.* per week for a front room—but because I could not afford to pay, I am not allowed one, and they had access to the yard until ten or eleven o'clock every night. The law was rigorously enforced in my case, and why not in theirs?' He said, 'I think it is not right.' I said, 'I know it is not.' I then complained of having no coals allowed me when I was dangerously ill, and my life almost despaired of, although I made repeated applications for them, and knew that others had them allowed, with extra allowance of food.' He said, 'I must bid you good day.' I said, 'Good morning, Sir,' and when he had got partly down stairs, I asked him to favour me with his name, when he came back, and said, 'I told you I was no particular friend of yours, my name is Robert Inglis (up to this time I did not know who my visitor was). I said, 'I am glad to see you, and as I have Sir R. Inglis before me, I shall take the liberty of saying something more. I wish to ask you, Sir Robert what is your opinion respecting my persecutors, whether their conduct has not been most unmerciful towards me?' He said 'You know my opinion.' I said 'Perhaps you are aware I gave 1*l.* towards erecting a chapel of ease built on the voluntary principle.' He said, 'Yes, I am aware of it.' I said, 'I feel it to be a case of cruel oppression, after having laboured hard to benefit my fellow creatures, both temporally and spiritually ever since I knew the truth as it is in Jesus, that I should be cast into this prison because I could not pay to a system which supported murder, robbery, and idolatry, and these three charges can be proved against all establishments when connected with the state.' He said, 'That is your opinion.' I said 'Yes, and of brighter minds than mine.' I then pressed him for his opinion as to the unmercifulness of the churchwardens, for I had not acted like a bigot towards them; for I promised them another pound, if they needed it, as no force was used to obtain it. He calmly said, 'Well, if I must tell you, John Thorogood gave the sovereign, but his house must pay the 5*s*. 6*d*.' I replied my agreement was to pay 14*l*. per year for my house, and I had always done so, and all her Majesty's taxes for civil affairs, and even Mr. Gepp (who is one of the churchwardens) had considered me worthy to be trusted as assessor and collector of the same, and I had filled the office, having collected the half year's, within 10*s*., for the parish of Chelmsford, the hamlet of Momshan, a thing which those who preceded me had not done for years. He said, 'I do not think it right to discuss the question here; it is the law of the land.' I said, 'Yes, it was the law that one-fourth of the tithes should be appropriated to the repairs of churches, to the maintenance of the poor, to support the minister, to entertain the pilgrim and stranger; but the state priests had embezzled the whole, and thrown the burthen on the industrious classes.' He said, 'No, no.' I said 'I beg your pardon, but I say yes, it is true.' He immediately bade me good day, and left.

"There are rooms empty in the front of the gaol. I told Sir Robert I had written to the Secretary of State that I might be allowed to occupy one, but was refused by the magistrate, although I believe Lord J. Russell wished it. I believe he said, 'Very likely,' but it was to that effect: and Sir, the high sheriff visited me yesterday, when I made the same complaints to him, and being locked up alone every night from nine until six o'clock asked him to grant me the use of a room unoccupied, when Mr. Neal, the gaoler said, yes, if I would pay 12*s*. a week I might have it. Dr. Prichard saw the spirit manifested towards me by Mr. Neal.

"This, Sir, is as near as possible what was said. I have distinguished what Sir Robert said by putting a dash under it, that you might easier refer to it. I hope you will not consider me troublesome; but believe I am greatly indebted to you for your kind exertions on my behalf,

"And believe me to remain,
Your humble servant,
"JOHN THOROGOOD."

He considered that John Thorogood was right in refusing to pay the money endeavoured to be extorted from him merely to gratify the malice and persecuting spirit with which he had been visited. It was well known that his persecutors sought to subdue the firmness of Mr. Thorogood, but he believed that they would find themselves in error. It had been attempted to turn the scruples of this conscientious individual into ridicule. He knew not what the hearts of the ecclesiastical authorities in the neighbourhood of Chelmsford could be made of to pursue Thorogood so unrelentingly, or what the heart of the Bishop of London could be made of to be capable of looking on at his sufferings without taking any steps to remedy the evil. He believed that unless the House interfered, John Thorogood would never come out of gaol alive, for there was no power on earth that would induce him to pay an exaction to which he conscientiously objected, or adopt a course of which he could not approve. Would, then, the House of Commons suffer such a man to undergo perpetual imprisonment? He trusted that as professors of the Christian religion they would not; but that those hon. Gentlemen who were about to return to their homes, their property, and their friends, would, as far as they were able, remedy this grievance, and lay at the foot of the throne their opinions of this hard case. Those persons who were attached to the Church of England might depend upon it that by acting in the spirit of an enlightened toleration towards this man, they would gain more affection and respect for the establishment than by the incarceration of a thousand such individuals. It was not only humane and just, but it was the imperative duty, on the part of the House, after the resolution of last year, and after the pledge then given, to endeavour to terminate this persecution against John Thorogood—a persecution which was not only a scandal to the religion they professed, but a disgrace to the country in which they lived. The hon. Gentleman concluded by moving the following resolution:—

"That an humble address be presented to her Majesty, praying that she would be graciously pleased to take into her Majesty's merciful consideration the case of Mr. John Thorogood, a Protestant Dissenter, confined in her Majesty's county gaol of Essex, since the 16th day of January, 1839, for neglecting to appear in the Consistorial Court of the Bishop of London for the non-payment of 5*s*. 6*d*. church-rate, with a view to his release."

Sir *R. Inglis* took the liberty of rising early, in order that those hon. Members who had heard the statement of the hon. Member for Finsbury, might also hear his statement, It was some time ago stated in a newspaper having a very great circulation, that the health of John Thorogood was sinking, slowly but surely; and, it was also observed, that it was in the power of certain individuals, one of whom was himself, to release, if they pleased, Mr. Thorogood from his imprisonment. This appeal having been made to him, he felt that at any rate, it was his duty to ascertain what was Mr. Thorogood's state of health. The course he pursued enabled him in a few hours to receive from the person who, he believed he might say, had the charge of Mr. Thorogood, a statement which satisfied him that that individual's health was not in such a condition as had been represented. Subsequently he had the opportunity of visiting the gaol in person. His object simply was at that time to satisfy himself by ocular inspection—and that as a stranger, and not as a professional man—that Mr. Thorogood's health was not so bad as it was stated to be. His first words to Mr. Thorogood were:—"I am not one of your friends." This, he said in the course of conversation, and also at the close of it, and he did so, lest Mr. Thorogood should have been led by the appearance of a sympathy on his part, in calling upon him, of concluding that he was Mr. Thorogood's friend; and he might, therefore, have committed himself by some observation, which he might perhaps have made if he had not been so informed. He added that he hoped he was not his enemy, as he hoped he was not the enemy of any man, but he was not one of his friends in that sense in which the House would understand the expression. Of course he thought it would not have been becoming in him to enter into a discussion with Mr. Thorogood, his object being simply to learn what was the state of his health. As to the room in which Mr. Thorogood was confined, it appeared to him to be a very good room for a prison. The hon. Member for Finsbury had animadverted upon the conduct of the Bishop of London; but the Bishop of London had no more to do with the proceedings of the Consistory Court, than the Chief-Justice of England had with respect to any technical proceeding that passed through the court over which he presided. It was true the Bishop of London was at the head of the court before which Mr. Thorogood was cited, but he did not sit in it, and had no more cognizance of what took place in it than the Queen had of the proceedings in the Court of Queen's Bench. He had no wish to enter into the general question, but having been called upon so paticularly by the hon. Member for Finsbury, he felt it his duty to offer the explanation to which the House had been kind enough to listen.

Lord *John Russell* had certainly no more wish than the hon. Baronet to enter into the general question; but with respect to the question immediately before the House, he thought it was a decisive answer to the motion for recommending the case of John Thorogood to the merciful consideration of the Crown, to state that it was not in the power of the Crown to discharge that individual from imprisonment. Mr. Thorogood was not confined within a prison from which any interposition on the part of the Crown could remove him. Therefore he considered it was not proper for the House to entertain the motion that had been made. He believed his hon. Friend was quite right in saying likewise that the Bishop of London, in whose court the proceedings against John Thorogood took place, had nothing to do with the continuance of his imprisonment. At the same time, as the question had been brought before the House, he would say that he believed there were some parties in authority in the parish to which this sum was due as a portion of the church-rates, who could interfere to procure the discharge of John Thorogood; and for himself he must say he thought those parties would act very wisely if they were so to interfere. He did not know whether those who agreed with him in that sentiment would concur with him in the grounds on which he rested it. He thought that those persons who, from a conscientious feeling, sought to make the laws respected by enforcing the punishment of imprisonment against those who violated the laws, did no good whatever in the way of maintaining a respect for the law when they acted not in accordance with the general feeling of the community. Another ground upon which he thought that it would be perfectly safe and highly expedient to put an end to the imprisonment of John Thorogood, was, that he considered that this poor man, who no doubt had been actuated by a very conscientious feeling, had been entirely mistaken in the notion of the sympathy which his sufferings had created. He had no doubt that those who acted with this poor person thought that if he consented to remain in prison for a certain time, for conscientiously opposing the payment of church-rates, the result would be such a general feeling in his favour, and such a strong opposition to church-rates, as would induce the Legislature to put an end to them. He considered that the attempt to excite the sympathies of the public had entirely failed. A great portion of the people of this country—he believed a majority—were attached to the Established Church. There was another portion, undoubtedly, who thought that there ought not to be an Established Church: but the portion that thought there should be a resistance to the law, and that parties should go to prison, was very small, and their conduct excited no great degree of sympathy. At the same time, he believed that John Thorogood was acting upon conscientious scruples. He believed, therefore, that if the parties who had sent John Thorogood to prison because he had put himself into contempt with the court, should now think fit to discharge him, they would relieve a worthy and an honest man, who was suffering an imprisonment which, if continued, might excite feelings of compassion for his sufferings, and thus, ultimately, identify them with a cause that did not in itself excite public sympathy.

Sir *E. Sugden* was very much disposed to agree in the observations of the noble Lord. He could confirm what the noble Lord had said as to the Bishop of London having nothing to do with this case, and he thought that if the parish should see no chance of the repetition of the offence, they could not do a more wise or a more popular act than to take the advice of the noble Lord, and release Mr. Thorogood from prison. He had been always opposed to a continued confinement for a contempt of court. He had himself introduced a bill to relieve persons in prison for contempt of the Court of Chancery, which had passed into an act, and which had been found to work well. He thought that there could be no difficulty in extending, as far as they were applicable, the provisions of the Chancery Court to the other courts, so that the judges might have the power in all proper cases to discharge a person in the situation of the prisoner. In such a case as the present, for instance, he would give a power to the Bishop of London, as the judge, a power to release. He conceived that John Thorogood had not, as a matter of right, a claim to be discharged, because it had been shown by the right hon. Gentleman, the Member for the Tower Hamlets (Dr. Lushington), and had never been contradicted, that John Thorogood had voluntarily placed himself in the present situation, and that he had no real cause for complaint. The Legislature ought to say to these parties, "If it answers your purpose to remain in prison a victim, it will not be agreeable to our views or our notions of the law to keep you there as a victim." He would, therefore, ask his right hon. Friend (Dr. Lushington) to perform the duty of introducing a measure to extend the provisions of the present law.

Mr. *Hume* said it was very satisfactory to have heard the speeches of the noble Lord on that side of the House, and of the right hon. Gentleman on the other side. It was evident in what direction the feelings of the House went. Because, while the noble Lord contended that the party was legally confined, he could not approve of the length of time of the imprisonment. After the very liberal sentiments which had been expressed, he had altered the opinion which he had originally formed as to the propriety of going to a division, and he would now recommend his hon. Friend to withdraw the motion. They had been informed that her Majesty had not the power to give relief in this case; but he knew that about eighteen years ago he brought forward the case of parties who were in prison for contempt of court, that in the end relief was given. Until the right hon. Gentleman opposite brought forward his bill, there was, he believed, no legal method of giving a discharge; the public were indebted to the right hon. Gentleman for the remedy he had carried, and he hoped that the method which the right hon. Gentleman had recommended for getting rid of the difficulties in the case of Thorogood would be adopted.

Mr. *H. Vernon* knew nothing of the case of Baines, which had been mentioned by the hon. Member for Finsbury; but he presumed that the party was before the court, that the court came to a decision, and that the party was committed upon that decision of the court; but the case of John Thorogood had never been before the court at all, the party having refused to appear. On the general question he concurred very much in the observations that had fallen from the noble Lord; but when the hon. Member for Middlesex talked of the sympathy which had been expressed for this individual, the parties would have shown it more clearly by paying the *5s. 6d.* into the hands of the churchwardens, and he would thus have been released from prison. John Thorogood might have a conscientious conviction against the payment, but those who sympathized with him might have done what he had done himself in a case that he had taken up. He happened to know a conscientious and excellent dissenting minister, who would not pay a rate that was imposed, from conscientious principles, and he felt that he was doing nothing improper in paying the money that was due from that minister for the church-rate. He would not have done so, however, if he had not thought that the refusal originated in an opinion formed among certain parties that if they resisted payment at that time, when there was considerable excitement upon the question of church-rates, and if they brought their cases before the courts, they would get up such a state of excitement throughout the country as would effect their object of getting rid of church-rates. When he found such a delusion operating upon the minds of some persons that they might, by becoming victims, carry on the agitation, he thought, that he was counteracting the bad effects of this delusion by paying the rate, and having a personal good will towards the individual, he had stopped the cause of agitation. If hon. Gentlemen opposite, who felt so much for the sufferings of John Thorogood, would send the *5s. 6d.* to the churchwardens, whether they liked it or not, the churchwardens must let this person out of prison tomorrow.

Mr. *Baines* said, it appeared to him, that the learned Gentleman who had just sat down was wrong as to the state of the law. It was rather difficult for him to offer a legal opinion against that of a judge of an ecclesiastical court, but in the case which the learned Gentleman referred to he had paid the rate before the party was sent to prison. John Thorogood, however, had been some time in prison, and he went there under circumstances which would prevent his discharge upon payment of the original sum. If the payment would have discharged him there would be ten thousand persons who would be ready to make it, and they could do nothing that would be more serviceable to the Church, by preserving it from public odium, because the feeling which was excited in the country, whether right or wrong, was most injurious to the Church. The noble Lord had now made a suggestion, which he (Mr. Baines) wished had been made last year; it was most valuable. He knew that many Quakers had been liberated who were imprisoned under the same circumstances as John Thorogood; and if the Quakers were released, he did not see why the same rule would not apply to John Thorogood. He had written to Mr. Thorogood to advise him, after the last discussion in the House, to advise with his friends, and the answer received was, "No power on earth shall cause me to yield to what I believe is not right, and, under the influence of the Spirit of the Almighty, I am determined to remain in prison till I am discharged without any violation of my conscience." That was the determination of a martyr, and it would be wise to act upon the suggestion and the general understanding on both sides of the House. With respect to the notice of his hon. Friend, thinking, that after this discussion and the observations which had been made the imprisonment of this party would be put an end to, he would advise his hon. Friend rather to withdraw the motion, seeing that he had accomplished, and that in the most unobjectionable way, the purpose he had in view.

The *Attorney-general* rose to make but one single explanation. The hon. Member had referred for a precedent for his motion to the time of the Stuarts, and said, that he wondered there was not as great liberty in the time of Victoria as in the days of James1st and of Charles 2nd He believed, that the release from the imprisonment was a gross violation of the law, by the exercise of the dispensing power of the Crown. It was one of the acts that brought about the Revolution; and it was specifically declared to be illegal by the Bill of Rights. By passing the hon. Member's motion, the House of Commons would be addressing the Crown to violate the law.

Sir *Robert Peel* had seen so much inconvenience arise from a misunderstanding as to what was called the general feeling of the House, that he was anxious to express his opinion of what the general feeling of the House upon this point was. When the hon. Member for Leeds said, that he hoped there would be an end to all imprisonments for the non-payment of church-rates, he was afraid that he could not concur in that hope; for if a demand were made in pursuance of the law of the land, and there was a refusal to pay that demand, it would be impossible to determine whether that refusal arose from a conscientious feeling or from contumacy. It was impossible for them—as they could not dive into the heart of man—to say from what cause the refusal arose; and it was necessary to punish the party refusing by a penalty. Suppose he purchased property in Scotland, he would be obliged to contribute to the support of an Established Church from which he dissented, and he must say, that that appeared a very extraordinary ground for complaint. He would have received an abatement of the price for this very payment when he made the purchase; it would be among the incumbrances upon the property which he would have found there, and, therefore, he could hardly claim exemption from the contribution. He thought, therefore, that the general feeling of the House did not go to a disapproval of the original commitment of John Thorogood, and he did not think that the result of the general understanding of the House was, that there should be no future committals for the non-payment of church-rates. If that were the general understanding, he for one would not concur in it. Whilst the law remained the same, authorising the imposition, he saw no alternative but to obey the law, and if parties refused that obedience they must take the consequences, otherwise there would be a dissolution of the bonds of society. At the same time, however, that he gave this general opinion as to the law, he must state the satisfaction it would afford him to hear of the discharge of John Thorogood. He must give to John Thorogood the credit of acting from conscience, and he thought, that as a punishment for his offence, the imprisonment had been sufficient, whilst it had been adequate for the vindication of the law. Whether, therefore, he considered the offence, or the great object of punishment, the vindication of the law, he thought that the imprisonment which Thorogood had suffered had been sufficient for either object. He thought, that with two years' imprisonment for parties violating or contumaciously opposing the law, they would find few who would oppose it. He believed, that if those who could do so were to take such a course as would lead to the discharge of John Thorogood, without causing him to make any concession, it would be for the interest of all parties that the discharge should take place. While, then, he expressed his opinion that it was desirable to discharge Thorogood, he was anxious to state, that if there were again a refusal to pay church-rates by any party, whether through contumacy or from mere scruples of conscience, he could see no alternative but to subject the second John Thorogood to the punishment of the first.

Mr. *Aglionby* after the recommendations which had proceeded from such high authority, he hoped that some mode would be adopted without the necessity of any further proceedings on the part of the Legislature to allow this party to go free; but if there should be no power to effect that object without the aid of an Act of Parliament, he trusted that the noble Lord would proceed without any hesitation to legislate on the subject.

Mr. *T. Duncombe* said, that in consequence of the opinions which had been expressed by the right hon. Baronet opposite, and other hon. Members of the House, he thought that he should best attain the object which he had in view by requesting permission of the House to withdraw his motion.

Motion withdrawn.

SUPPLY. THE NAVY. SYRIA.] House in Committee of Supply.

Mr. *M. O'Ferrall* proposed a vote of 2,000 extra men for the sea service for the ensuing ten months.

Mr. *Hume* rose to object to the vote, and he did so because he did not think that any increase of the navy was necessary, and because he was of opinion that our navy was employed for purposes undeserving the character of the British empire. It had been stated, that this country had despatched a fleet to Syria to encourage and foment the insurrectionary feelings which had already been excited there, and he should like to hear whether the noble Lord the Secretary for Foreign Affairs could afford any satisfactory explanation upon the subject. He conceived, that in truth, Great Britain was now the power which, by its proceedings, prevented Mehemet Ali from obtaining peace with the Porte. He looked with great jealousy to the insidious attacks and to the unvarying progress which Russia was making against the rights of Britain. He considered the noble Lord as the person who had kept up these anti-English proceedings, and who had excited a war between the British people and foreign powers. Two millions of extra taxation were required in the course of the year to support that war, and he could not now agree to the increase of a force which had been so improperly employed. He had seen statements made in the most positive manner, that the insurrection in Syria had been favoured by the British authorities, but he hoped that the noble Lord would give a distinct denial of the truth of those allegations, for he should hold it to be discreditable to the Government and to this empire that such should be the case. There had been a statement published on that morning in one of the newspapers, in which the noble Lord was accused of having formed a treaty with Russia, Prussia, and Austria, excluding France, to compel concessions to be made by Mehemet Ali. He thought that England ought to have taken no steps in the matter without the assistance of France, with which power Parliament was told, at the commencement of the Session, it was intended to co-operate in order to secure peace. He sincerely hoped that the noble Lord would be able to say, that there was a cordial co-operation between France and this country to secure this object, and he put it to him whether it was fit or proper that the British public should be put to so large an expense as was proposed, in order to increase our naval force, with a view to the violation of that compact which was understood to exist. He had always stated his objections upon this point, both publicly and privately, and he hoped that the noble Lord would give a satisfactory answer to the suggestions which he had made.

Viscount *Palmerston* felt bound to say, that nothing could be more frank and open than the declaration by the hon. Member of the difference of opinion which existed between them upon this subject, because the hon. Member, both in public and private, had for very many months past expressed his opinion that our foreign policy was exceedingly injurious to the interests of the country; and had endeavoured to impress upon him strongly the expediency of adopting a course of a contrary description. He must be allowed to say, however, with all respect to the hon. Member, that he never felt a conviction more strongly upon any point than that the line of conduct advocated by the hon. Member, if adopted, would produce those very consequences, which the hon. Member had attributed to the steps which he had taken; and when the hon. Member said, that our policy was calculated to serve the exclusive views of Russia, and to injure the interests of England, he must be allowed to say, that he thought that if Russia was actuated by those feelings which the hon. Gentleman suggested, and if we wished to support her in the views which she entertained, we ought to adopt that very line of proceeding which the hon. Member himself had, throughout these discussions, held up as the proper and correct one, because we should render the Porte practically dependent on Russia, and we should thereby create the very mischief of which he complained. He protested strongly against the opinion of the hon. Member being generally entertained, because he thought that that opinion would be highly dangerous to peace, and injurious to the interests of Great Britain, and he hoped that such views would not be introduced by any parties who might have the power of carrying them into execution. When the hon. Member said, that the course which had been pursued had brought upon this country an expense of two millions a-year, the House must be well aware that that statement was founded on error. A great portion of the deficiency which had called for the increased taxation was the result of the hon. Member's own measure—the postage reform, and was produced also by the state of things in Canada. A very small portion of it, indeed, really belonged to the naval establishment of England, and by far the greater part of this division of the charge arose, not so much from any increase of the navy, as from the necessity to lay in stores, and other matters necessary to keep the ordinary in a state of preparation. The hon. Member, therefore, had taken an erroneous view of the financial facts, upon which he had addressed the House. As to the general question, upon which the hon. Member wished that an explanation should be given, he should submit to him and to the House, that the great powers of

Europe being engaged in a complicated and difficult matter of arrangement upon this subject, it would be very inconvenient to the public interests, and as respected the great object which the five powers had alike at heart, that he should be compelled at this stage of the transaction to enter into an explanation of what was going on. He could only say, that when the matter should have arrived at that point, at which it would be proper and safe to make a communication to Parliament upon the subject, according to the established usage, the Government would not shrink from submitting their conduct to its consideration, and he was of opinion that they should succeed in convincing the hon. Member and the House, that they had not been actuated by any such intentions as those which the hon. Member had pointed out. The hon. Member had asked whether any British agents had been employed to incite insurrection? In the first place, perhaps, he might object to the use of this word with regard to the recent disturbances in Syria, because it signified an opposition to a lawful state of authority. Syria being subject to the Sultan, he did not see how its having taken up arms against an oppression which every one believed to have been of the most severe and intolerable description, could be said to fall within the description of insurrection; but he could assure the hon. Member, that British interests had nothing on earth to do with it; but that it was the natural result of causes which had preceded it, and that it was only another recurrence of that resistance which the people were sometimes compelled to oppose to a tyranny which had become intolerable. The only difference was, that upon this occasion, the resistance was far more general—far more formidable—and far more united and concerted, amongst those who made it, than was usually the case. Undoubtedly, where this state of things was known to exist, the admiral, who was stationed at Smyrna, immediately sent ships to watch the events which might occur. He felt that he had not entered into so full an explanation as the hon. Member might wish. He was undoubtedly at the command of the House, because a Minister of the Crown was at all times bound to give any information, consistently with his duty, which the House might require; but he put it to the hon. Member whether, in the present state of things, it was expedient that he should be called upon to enter into this explanation. It was well known to the hon. Gentleman, that the five powers were agreed as to the general object to be obtained. France had declared her firm determination, in a speech delivered from the Throne, to maintain the integrity and independence of the Turkish empire under its present dynasty; but it was well known, that on the minor points connected with this great question, that unanimity did not exist between the Five Powers which was desirable, but unless the House compelled him to go into a premature explanation upon that subject he thought he should best serve the interests of the public by saying no more upon this subject.

Mr. *Milnes* did not think, that any grounds had been stated which could authorize the House in resisting the vote proposed; but he did wish that the noble Lord had responded more satisfactorily to the perhaps irregular demand made upon him by the hon. Member for Kilkenny. He wished that the noble Lord had been able to assure the House that all the Five Powers were now in a position of cordial co-operation. He could not but express his most earnest hope, that no policy of the noble Lord would tend to promote war in the East. He agreed, however, that in the midst of negotiations of this kind, it would not be proper for the noble Lord to enter into any further explanation than that which he had given.

Mr. *Hume* could not think, that keeping up a civil war in Syria, was strengthening the Turkish empire, and he distinctly charged the British Government with having prevented the conclusion of peace on satisfactory terms. Within the last two months, the interference of our authorities at Constantinople had prevented an amicable settlement, and such measures would make Turkey dependent upon Russia. The noble Lord had charged a portion of the deficiency in the revenue to the operation of what the noble Lord was pleased to call his postage plan, but he begged to remind the noble Lord, that notwithstanding the deficiency which he admitted to have arisen from the new Post-office regulations, the revenue of the present year had amounted to 47,883*l*., or 600,000*l*. more than that of last year, and 1,500,000*l*. more than the average of preceding years. Again he urged upon the House to pause, and to consider the consequences that had ensued, and must hereafter ensue, from the course of policy pursued by the noble Lord in the East.

Lord *John Russell:* In the few words which he was about to say, was without the advantage enjoyed by the hon. Gentleman—that of having read the *Morning Post.* With regard to our policy on the Egyptian question, however, he must repeat that there was still between him and the hon. Gentleman the same difference of opinion that existed at the commencement of the Session. The hon. Gentleman said, that we had nothing to do but to allow amicable relations to be established between the two parts of the Turkish empire, and that the interference of this country had prevented those amicable relations from taking effect. But so far from the relations between them being amicable, they were really these:—a vassal of great power and force was attempting to impose terms upon his Sovereign, which he expected would be received by his weakness or his fears. Our interference, so far from preventing those relations from tending to an amicable result, would only tend to prevent the Sultan from throwing himself into the arms of Russia. We had already seen him in some degree before, yielding to the force opposed to him, and seeking support from the strength of Russia; and the continual interference of Russia at Constantinople, and the manifest dependence of the Porte on that power, would only lead to the result of causing the other powers of Europe to look at the preponderance of Russia with so much jealousy as to endanger the general peace. The hon. Member had also referred to France. France and this country had the same objects in view, but no doubt there had not been an agreement of views as to the best mode of attaining that object. He believed, however, that he was speaking the sentiments of his noble Friend and of the Government, when he said that they valued, quite as much as the hon. Gentleman or any one else could do, the continuance of the amicable relations between this country and France. For himself, he wished that those amicable relations might long endure, and he felt quite sure, that there were no nations on the face of the globe, whose mutual interest it was to cultivate amicable relations in a greater degree than France and England. If there ought to be any rivalry between these countries, it was only the peaceful rivalry of commerce, and emulation in the arts of peace. The hon. Gentleman had also charged it against the Government that they had fomented insurrection in Syria. It appeared, however, while there had been an insurrection every year under the Porte, there had been only three under Mehemet Ali. It would seem, therefore, that if the British Government were really bent upon getting up an insurrection in Syria, they had not used very much exertion in so doing.

Captain *Pechell* called the attention of Government to the expediency of allowing the seamen who had pensions to retain them while in service.

Vote agreed to.

On the question that 21,600*l.* be granted for the accelerated conveyance of mails between Falmouth and Alexandria.

SUPPLY—STEAM-PACKETS.] Colonel *Dawson Damer:* This vote, to which I beg to call the attention of the House, is one of 21,600*l.* for carrying letters for seven months from Falmouth to Alexandria; and is, if I am not in error, in addition to a sum of above 30,000*l.* per annum, paid the Peninsular Steam Company for carrying the mails to Vigo, Lisbon, Cadiz, and Gibraltar; and one of 3,000*l.* per annum given for the same service between Alexandria and Beyrout; and these combined would make yearly a sum of upwards of 70,000*l.* given for the exclusive purpose of carrying letters. Now, when this sum is added to 300,000*l.* a-year about to be given to another company for carrying letters across the Atlantic, these sums together will amount to nearly 400,000*l.* per annum, exclusive of the sums paid to the French government for carrying letters through France destined for India and the Levant, and which must be a considerable charge, if I may judge by what has happened to myself, having had last week 16*s.* to pay for a letter from Smyrna. I cannot help thinking, Sir, that so large a sum of money as this had far better be laid out in increasing the Royal steam navy, an object that may not be inopportune at the present time, and I trust this House will concur with me in this opinion. Having very recently, Sir enjoyed opportunities of hearing the opinions on the spot of many able officers serving in the Mediterranean, as well as those of the principal British merchants trading in the Levant, I became impressed with the magnitude and importance of the interests, commercial and military, that are at stake in those regions. I beheld the Mediterranean traversed in all directions by the armed steamers of other powers. I heard of the subjects of one of those powers declaring, with their accustomed boasting, that the Mediterranean was becoming what it ought to be—a French lake. I witnessed the creation of a formidable array of French armed steamers under the denomination of packets; I saw them in operation, and the expense of them very much defrayed by English travellers; while, on the other hand, I found that the British had but one communication monthly between Alexandria and Marseilles, one monthly between Alexandria and Beyrout, and one twice a month between England and Malta, which were chiefly for the transmission of public documents and returns between the Ionian Islands and Malta with the War and Colonial offices at home. It is to alter this state of things, Sir, unless valid reasons can be given why it should not be altered, that I am anxious. I am desirous of improving our communications in the Mediterranean and elsewhere, not by contracting with private companies for temporary purposes, but by the employment of a greater number of the gallant officers and men of her Majesty's navy, and by the putting in commission of a greater number of steam-vessels of a superior class, that would be available, should unfortunately any event occur that could endanger the peace of the world, and that could in the mean time carry on the Post-office and packet service in a far more satisfactory and efficient manner than is the case at present. A first good that would be obtained, Sir, would be the avoiding the evils of all contracts. Instead of the Government having nothing to show for its money at their termination, it would remain in possession of its own vessels—they and their engines belonging to the country; and thus a foundation would be laid for the creation of a numerous and formidable steam fleet under martial law, that would require but the addition of a few marines to make it available and competent for any service. I think, Sir, that the House will concur with me in opinion that it is becoming the dignity of this nation that it should be the British navy in all its branches that should ride predominant in all seas; and that, above all, she should possess a long list of scientific officers, and a powerful force in armed steamers, such, for instance, as the Gorgon and Cyclops, and vessels of their class, of which the country may be justly proud, although I believe they have not answered all the expectations formed respecting them, and that we should not again have recourse to altering ten-gun brigs into steamers, some of which, it is now notorious, can neither sail nor steam. As I have before said, Sir, our communications within the Mediterranean are limited to one monthly steamer between Marseilles and Alexandria, and between the latter place and Beyrout. The communication between Malta and the Ionian Islands is now kept up by ten steam-vessels, which are maintained for that particular purpose, at a vast expense, without any adequate return or result whatever, because almost all passengers and letters take the route of Italy instead of Malta, and are conveyed by Austrian steamers from Ancona to Corfu and to Athens; and I will here observe, that on a sea that is studded with the steamers of other nations the means of communication by British steamers is so scanty, that our Admiral at Malta having to communicate with his fleet has to send vessels expressly for that purpose—an expense that would be very much curtailed did British steamers start from Malta once a fortnight in all directions within the Mediterranean, as had been proposed in plans laid before the Board of Admiralty. If the Government would consent that all plans and calculations laid before the Board of Admiralty, with a view to improve our communications in the Mediterranean, should be presented to this House, I have little doubt that most, if not all, the suggestions contained in them would be carried into effect. The case would appear so strong a one, that the money wanted, but a very small sum, if the transatlantic contract be finally completed, would be cheerfully given, and a stop at once be put to the hiring of private vessels. There is one branch of this subject, Sir, that has an important bearing, and is calculated, I think, to induce many hon. Gentlemen who now hear me to concur with me in my opinions. It is an old adage, that the readiest way to preserve peace is to be prepared for war, and they will, I am sure, think with me, that in adopting measures for carrying out this worldly maxim, no alarms, no apprehension of exciting the jealousy of other powers, who are notoriously well prepared for either attack or defence, ought to induce us to abstain from adopting such precautions as would prove our security and bulwark in times of war, should not the knowledge of our being in such a state of preparation become the happy means of preserving peace. I call upon all gentlemen connected with India to lend me their assistance. They will, perhaps, be surprised to learn, that after all that has been said respecting the speed with which letters are conveyed between Bombay and England, that speed, according to my own experience, may be augmented by four or five days by the employment of a more efficient class of steamers, such as the Alecto and Prometheus, which have recently been placed on that station. Then, Sir, the correspondence with India, the commerce of the Levant, and the convenience of the numerous public servants who, with their families, are daily passing to and fro between India and England, and who are now very generally taking the route of Egypt, demands from this House some attention to the subject; and to this list I will add that of the numerous travellers in the East, chiefly British, who, were other arrangements made, would contribute very materially to defraying the expense of them. I hold in my hand an authentic list of passengers in the Mediterranean, and by this it appears that by English steamers, on an average of fifteen months, the numbers have been as follows:—

Between Gibraltar and Malta	19	monthly.
Malta and Alexandria	24	
Malta and Corfu	6	
	—	
	49	

By French steamers, on an average of the last eighteen months:—

Between Malta and Alexandria	62	per month
Malta and Marseilles	68	
	—	
	130	

And, during the last six months, 500 of these were English; and to give the House some idea of what will be the probable increase of our commerce in the Levant, I can state, from information received on the spot, that the Austrian Steam Company, running between Constantinople and Trebisond, carried goods during the last year to the value of upwards of a million, chiefly British. All commercial men, all insurance-offices, all owners of colonial property, are deeply interested in the question. I will ask, and I think, Sir, the attention of the public ought to be called to the matter, particularly at the present time, when the position of the East has placed us in so delicate a position with other powers, what in the event of any misunderstanding with our more immediate neighbours, or with our northern allies, would be the amount of danger by which our coasts and commerce would be threatened. Is there any protection anywhere but at Portsmouth and Plymouth? Is Sheerness protected from a *coup de main?* What is there to protect our trade at Dungeness, or off the South Foreland? And may not the same question be put, and answered equally unsatisfactorily, respecting all the coasts of this island? Then, Sir, to what has this country to look in cases of emergency, as I suppose this House is not prepared to vote large sums for the purpose of erecting works on shore, but to a formidable force of armed steamers, that ought ever to be held ready, and which might be made to spring out of an establishment such as had been proposed to the Admiralty to form, in place of hiring vessels, on board of which neither martial law nor discipline would be found to exist, if wanted on an emergency for the purpose of war? The adoption of this plan would be doubly beneficial. It would add to our national dignity in all parts of the world: it would encourage and increase a class of scientific officers of which the country is every day becoming more and more in need. If we could get a sight of these recommendations, Sir, I have no doubt it would be demonstrated that the efficiency of this branch of the service might be increased to a very considerable extent at pretty much the same annual cost as the present system; and I think it would then be seen, that if a first outlay were required, the sum would not be large, or that, even if large, the House would not hesitate to vote the money when the honour and advantage of the British navy were at stake. If these papers could be got at, Sir, it would be seen that plans have been laid before the Board of Admiralty in the course of this year, prepared by able officers, and recommended, I believe, very strongly for adoption by the highest officer on the Mediterranean station, by which it was suggested that communication should take place twice a month between Portsmouth or Southampton and Malta, touching at Lisbon and Gibraltar, to be carried on without any delay from Malta to Zante, then to drop the Ionian Islands mails, then to the Piræus with the letters for our Minister at Athens, and then on to Smyrna and Constantinople with the despatches for the fleet and our Ambassador at that port. By this arrangement the two steamers kept to run between Malta and Corfu would be discontinued, and a considerable saving would be effected, because the Ionian Islands have steamers of their own that could meet the Government boats at Zante. A second communication would take place twice a month between Alexandria and Marseilles instead of once, as at present, by which messengers and letters could reach Constantinople in fifteen or sixteen days, and Alexandria in fourteen—a considerable saving of time when compared with the present system, whether by French or English steamers; and these same steamers could be made to keep up the same communication that now exists between Alexandria and Beyrout at about one half the sum now paid annually for a sailing vessel for that service—viz., 3,000*l.* per annum. By the adoption of this plan, the necessity for sending expressly steamers to communicate with the fleet would be very much discontinued, as also that for sending messengers overland from London to Constantinople—a very expensive article in diplomatic accounts. The convenience of this mode, Sir, would be such, that all comers from India would adopt it, because it would give them time to pass leisurely through Egypt. All British travellers would, for reasons well known in the Levant, but which I shall forbear to mention here, naturally prefer national vessels to French ones, as affairs are marching so fast in the East, that it is probable the adoption of this plan would lead to a more perfect communication between Suez and Bombay. I think, Sir, I may with confidence assert that all our ambassadors, consuls, and all commercial men in the Levant, are anxious that this or some such plan should be adopted. And that the House may form some idea of the class of vessels that ought to be built or adapted for the service, I can state, on the authority of persons well competent to give an opinion, that vessels of the size of the Alecto and Prometheus, and of 200-horse power of steam, would be fully equal to carry on all the duties of the packet and Post-office service, and would at the same time be able to carry in their holds, until wanted for use, and without straining the vessels, two eight-inch Paixhans guns, which commercial vessels, were even their scantling strong enough, could not do in the efficient manner of vessels built for the purpose. I am informed that the present complement of officers and men would suffice, and that they would only require the addition of one officer and 25 marine artillerymen to each vessel to render them fit for war; and the necessity for having these men ready for service would lead to what many Members of the House have much at heart—the increase of that admirable and gallant corps the Royal Marine Artillery. In conclusion I have to state, that if the information I have received be correct, 150,000*l.* would more than suffice for a first outlay in establishing such a system, and that if the transatlantic contract were not completed, 700,000*l.* would be enough to build a sufficient number of vessels of the size of the Cyclops and Gorgon, to carry out all the objects of that contract. Thus the country would get rid of ruinous bargains. It would not again have the mortification of seeing so large a sum as 3,000,000*l.* given to a private company for carrying letters, and the Government have little or nothing to show for so lavish an expenditure at the expiration of ten years, and for purposes which, if they can be beneficial to private companies, need not be a losing concern to the state. In closing these observations, I beg to inform the House and the public, that within the last month the French Government has contracted in this country for 16 pairs of engines of the largest size. This information I have obtained from a party to whom this contract was proposed, and requires no comment from me. This statement is fully borne out by the publication of the French budget for the next year, by which it appears that the French have now at sea 30 armed steamers, of from 120 to 450 horse power, and are taking such vigorous means for adding to this branch of their service, that the steam power, which is at present that of the average power of 3,140 horses, will in the course of the next year be nearly doubled, or 5,780.

The *Chancellor of the Exchequer* said, the question raised by the hon. Member did not relate to practical details, but to great principles, whether the course of policy which this Government had always pursued, of employing vessels by contract, should be continued, or whether it should do as the French Government did, take the communication into its own hands. The policy of England had always been entirely different from that of France in this respect. He was not there to criticise the policy pursued by other countries, but to defend the principle we had adopted—that it was not for this Government to occupy the lines of communication by armed steamers, but rather to encourage and assist the private enterprise of the country—to aid it, but not to interfere with it. And if the time should come when vessels which were employed in peace were required for war, the country would find, that by having encouraged commercial enterprise and private speculation, a sufficient supply of steamers would be obtained when occasion occurred. That he believed to be the real policy of England, and the reason why a different policy was pursued in France might be, that the Government was forced to do what it could not find private companies able or willing to do. With respect to the Mediterranean, all these objects were matters of contract; but the Mediterranean was not the whole world; it was a small space, and not of such great importance. All that was required was, that there should be a certain amount of communication for India and the Levant, and we had not thought it necessary to employ our energies there. But you must look at the relative importance of different objects. If England did not employ her energies there, look at other parts of the world—the communication with India and North America, the great lines of communication with the West Indies and the western coast of America; these were more important points than the small ports of the Mediterranean, and these great lines of communication had not been neglected by the Government. He was bound to tell the hon. Gentleman, that there were much greater lines and objects than those of the Mediterranean. The communication with the Brazils was of far greater importance than the convenience of gentlemen travelling in the Mediterranean. These objects the Government were quietly pursuing. But the French were benefitting the world, and English commerce in particular, by their steamers. The trade with Trebisond was chiefly in English goods. All the great lines of communication in the Mediterranean were beneficial to English commerce. With regard to India, a mail had arrived in India, on the 4th of April, in 32 days from England. His experience had been different from that of the hon. Gentleman. The mercantile interest in this country, so far from wishing that the communication should be taken into the hands of Government, in their communications with him, had said, "You manage your letters, and leave commerce and private enterprise to us;" and he believed it to be far better to leave the whole plan in the hands of a company to manage.

Mr. *Goulburn* said, the right hon. Gentleman appeared to have misunderstood the hon. Gentleman, who did not mean that Government should interfere with commercial communications, but he thought that armed steamers might be made the means, in the event of a war arising, of affording a ready armament, and enabling us to compete in this respect with other nations. When the right hon. Gentleman spoke of the availability of the steamers engaged in the execution of the contract, it would be desirable to ascertain whether that would be an economical mode in case of an emergency. Would it be economical to make purchase in such case of vessels not built for warlike operations? What plan had been resorted to at the commencement of the late war when there happened to be a deficiency? Ships were then purchased, which, after having considerable sums expended upon fitting them out, were afterwards found to be inefficient. It was the bounden duty of those who had the administration of the naval department to show that an available force was ready in the event of an unexpected breaking out of war, and to prove that the country, in such an event, had an adequate means of defence corresponding with the naval force of the enemy.—Vote agreed to.

SUPPLY—NATIONAL GALLERY.] A vote of 2,530*l.* 10*s.* for the purchase of pictures for the National Gallery, was then proposed.

Mr. *Hume* wished to know under whose taste and judgment these pictures were bought? He had heard very severe critiques made on the pictures that were last purchased.

Mr. *R. Gordon* said, the pictures that were last bought were purchased at a public sale, on the recommendation of the trustees of the National Gallery.

Sir *R. Peel* said, if the hon. Gentleman would state what the pictures were, he had no doubt he could give him a satisfactory explanation. He had no objection whatever to these questions being put; on the contrary, he thought they tended to public advantage. But let them take the case of the pictures they had just bought. In this case, Sir Simon Clark's pictures were advertised for sale. The trustees of the National Gallery met and considered whether they should advise the purchase of any of them. They had not a shilling at their disposal, and they therefore were obliged to apply to the Treasury for permission to purchase certain of the pictures. The collection was attended by circumstances that were peculiar, as it was made during the French revolution. As to the condition of the pictures, the trustees had the opportunity of referring to a person of high authority—he meant Mr. Seymour, the secretary of the National Gallery. There were in the collection two Murillos which were perfectly well known to connoisseurs and artists, and the trustees advised the Treasury to make a certain offer for them. But they did not ask much from the Treasury, for all they asked to be allowed to purchase out of the whole collection were three pictures, two being the Murillos he had mentioned, and the third a Guido—all works of very great excellence, and such as the trustees thought it desirable to procure for the National Gallery. For one of the Murillos, a picture known by the name of "The Good Shepherd," they proposed to offer 2,500 guineas. It was purchased, however, by Messrs. Rothschild for 3,000 guineas. For the other Murillo they also proposed to offer 2,500 guineas, but Lord Ashburton, one of the trustees, purchased it at 2,000 guineas for his own private collection. Finding, however, there was some misapprehension on the subject, he very handsomely ceded it to the National Gallery at the price he had given for it. For the Guido they gave only 410 guineas, and he believed that if they were to offer it for public competition now, it would obtain double the price they gave for it. He only mentioned this to show that the pictures were not purchased for the National Gallery without care, or without being considered to be works of the highest merit.

Mr. *Hume* wished to know whether there was any report made on the subject; for, if the right hon. Gentleman were not in the House, who was to give any account of it?

Sir *R. Peel* said, these things were all matters of record, and he would ask the right hon. Gentleman opposite whether these matters did not pass between the trustees and the Treasury. There were some arrangements now going on; and he really hoped the hon. Gentleman would not oblige any premature disclosures to be made.

Sir *De L. Evans* wished the right hon. Baronet and his colleagues would direct their attention to the exterior of the building of the National Gallery, for certainly it was not satisfactory to the public taste.

Sir *R. Peel* said, he quite agreed with the gallant Officer that the building, standing in the situation it did, was not very creditable. When the estimates for it were brought forward, the House was in an economical fit, and the first sum voted was 40,000*l.* That was afterwards extended to 70,000*l.* And there the building stood. But whether they should pull it down and erect one that was really worthy of the arts on its site, which was the finest in London, he must leave it to the Chancellor of the Exchequer to say.

Mr. *Hume* doubted what the right hon. Baronet said, on the score of economy; because when the estimates were brought forward, he was not aware of any objection being made to them.

Vote agreed to.

SUPPLY—EXPENSE OF THE SHANNON.] On the vote of 11,300*l.* for law expenses in carrying into effect the Act for Improving the Navigation of the Shannon being proposed,

Mr. *Goulburn* thought this charge required explanation; it was an enormous sum for one year's expenditure in carrying into execution one act of Parliament.

Mr. *R. Gordon* assured the right hon. Gentleman that the charge had excited the attention of the Treasury, but it comprehended the whole expense, including 1,512 valuations, upwards of 1,000 conveyances, and 300 judgments and awards. He was assured that under the ordinary powers of inland navigation acts, the expense would have been five times as great.

Mr. *Goulburn* was surprised at the amount of the charge for conveyances, since every one knew that the principal expenses of a conveyance were the charge for drawing and the cost of the stamp. Now, a short form of conveyance, consisting of only ten lines, was prescribed and set out in the act, and no stamp duty was payable.

Mr. *E. Tennent* thought he could explain the amount of the charge. The river ran by the property of Lord Monteagle, and his solicitor, Mr. Barrington, was the solicitor employed by the commission. The ordinary routine of business was set aside, and instead of Mr. Stewart, the solicitor of the Board of Works, being employed, a new office was created for Mr. Spring Rice's attorney, to whom the committee was now asked to vote this sum of 11,300*l.*

The *Chancellor of the Exchequer* said, he had never heard a more unjustifiable attack made upon parties who were not present to defend themselves. He was surprised that an hon. Member in an assembly of gentlemen should suffer himself to be so far carried away. He begged to give a distinct contradiction to the inference which the hon. Member had drawn. Mr. Barrington was employed in the original inquiry, and when the work was undertaken he was continued in the performance of the services which were then required. The same expenses were paid to Mr. Barrington as would have been paid to the solicitor to the Board of Works, and no saving would have been effected by employing the latter. No hon. Member who had had any experience in canal or railway companies would consider the charges unreasonable.

Mr. *E. Tennent* said, that in the whole of this large bill of costs the money out of pocket did not exceed 250*l.*; the balance, 11,050*l.*, was received by Mr. Barrington, but in making these observations he begged to say that he did not mean to cast the slightest imputation upon that Gentleman. He found fault with the system, not with Mr. Barrington, of whose character he could not speak too highly.

Viscount *Morpeth* said, that the reason Mr. Barrington had been preferred to Mr. Stewart was, that he had all along been employed in the works connected with the improvement of the Shannon.

Colonel *Sibthorp* considered the whole of this proceeding a downright humbugging job. He thought that the country had great reason to complain of the manner in which the business of Parliament was hurried over at this period of the session, and especially he thought there was reason to complain of the manner in which the miscellaneous estimates were disposed of; for his part, if no one more competent to the task than he was, took up the subject, he should in a future session move that the miscellaneous estimates be referred to a select committee.

Mr. *M. O'Ferrall* observed, that Mr. Stewart's charges would have been equally high with those of Mr. Barrington, had the former gentleman been employed in preference to the latter. The charge as it now stood was a reduced charge, and the expenses had certainly been estimated on the most economical scale. There could be no doubt that Mr. Stewart considered the duties connected with the river Shannon to be quite distinct from his duties as solicitor to the Board of Works, for he came to this country and made interest to obtain the appointment, which had eventually been given to Mr. Barrington, which he certainly would not have done if he had not thought that he was to receive a separate remuneration for the business connected with the Shannon.

Sir *R. Peel* said, that if the solicitor to the Board of Works received a salary from the state, the public were entitled to the whole of his time, and that gentleman was bound to render all the service in his power to the Government. If the legal business of the Board of Works were conducted like that of the Stamp-office, for example, the solicitor would not be entitled to charge costs as between attorney and client.

Viscount *Morpeth* agreed with the right hon. Baronet that the Government in employing a public officer did purchase the whole of his time; but the improvement of the Shannon had been intrusted to a body of commissioners quite distinct from the Board of Works.

Mr. Alderman *Thompson* moved that the sum of 5,000*l.* be granted on account,

Viscount *Morpeth* hoped, that as these expenses had been actually incurred, and as the disbursements would have to undergo the supervision of the regularly constituted boards, the committee would not agree to reduce the vote.

The committee divided—Ayes 26; Noes 58: Majority 32.

List of the AYES.

Acland, T. D.
Archdall, M.
Baldwin, C. B.
Boldero, H. G.
Brooke, Sir A. B.
Brownrigg, S.
Cochrane, Sir T. J.
Douglas, Sir C. E.
Dunbar, G.
Evans, Sir De Lacy
Gladstone, W. E.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Grimsditch, T.
Henniker, Lord
Hodgson, R.
Hume, Joseph
Kemble, H.
Lowther, J. H.
Neeld, J.
Peel, rt. hon. Sir R.
Praed, W. T.
Somerset, Lord G.
Tennent, J. E.
Vere, Sir C. B.

TELLERS.

Thompson, Mr. Ald.
Sibthorp, Colonel

List of the NOES.

Adam, Admiral
Aglionby, H. A.
Alston, R.
Anson, hon. Colonel
Baines, E.
Baring, rt. hon. F. T.
Bellew, R. M.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Campbell, Sir J.
Chalmers, P.
Chichester, Sir B.
Clay, W.
Clive, E. B.
D'Eyncourt, rt. hon. C. T.
Duke, Sir J.
Elliot, hon. J. E.
Ewart, W.
French, F.
Gordon, R.
Grey, rt. hon. Sir G.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Howard, hn. C. W. G.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lemon, Sir C.
Lushington, C.
Macaulay, rt. hn. T. B.
Maule, hon. Fox
Morpeth, Viscount
Norreys, Sir D. J.
O'Ferrall, R. M.
Paget, F.
Palmerston, Viscount
Pigot, D. R.
Price, Sir R.
Rawdon, Col. J. D.
Roche, W.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Smith, R. V.
Stanley, hon. E. J.
Steuart, R.
Thornely, T.
Vigors, N. A.
Villiers, hon. C. P.
Warburton, H.
Wood, G. W.
Wood, B.
Wyse, T.

TELLERS.

Parker, J.
Tufnell, Mr.

Vote agreed to.

SUPPLY—EXPEDITION TO CHINA.] A vote of 173,442*l.* was then proposed towards defraying the expenses of the Expedition to China.

Mr. *Goulburn* wished to know the exact proportion of this expense to be borne by the East India Company and this country. He did not think that the sum now proposed would do more than pay the amount of tonnage employed for the conveyance of troops from India to China.

Sir *J. Graham* understood that shipping to the extent of 3,500 tons had been taken up from Bengal, and 3,149 tons from Madras, which would probably cost about 100,000*l.* for six months: he also wished to know how the estimate had been framed.

The *Chancellor of the Exchequer* said, the arrangement which had been made with the East India Company was, that this country should pay the extra expenses of the expedition. A confidential communication had been received by the East India Company from Lord Auckland, which was the basis of his estimate. Another estimate was forwarded to him by the East India Company, which came very nearly to that of Lord Auckland. But such estimates must necessarily on all occasions be loose. With respect to tonnage, it was impossible for him to do more than state the expense already incurred, and the rate at which it was estimated to be carried on. The estimate had been sent over to this country by Lord Auckland.

Sir *J. Hobhouse* said the estimate, which was certainly a very rough one, had been sent home by the Governor-general of India, and certain amount of tonnage had been taken up for the conveyance of troops, and the question was how much money the country should be asked to pay in the present year. There had been some little difficulty upon that point; but whatever deficiency there might be, he hoped there would be no difficulty in making it up when the accounts should be finally laid before Parliament. The Governor-general was to keep a separate account of every extra charge. That account was not to extend to the pay of the Queen's troops, nor to ordinary pay of the troops belonging to the East India Company, but only to the expenses incurred by the extra services arising out of this expedition. The Governor-general had sent over the present estimate in compliance with orders sent to him in October last, and though it was a rough one, he believed that it would be found, upon the whole, a fair one.

Vote agreed to.

Supply—Public Education.] On the vote that 30,000*l.* be granted for public education in Great Britain for the year 1840 being proposed,

Mr. *Goulburn* said, that after the discussion which this vote underwent on a former occasion, he felt it impossible to let it pass without making one or two observations. He admitted that by the new arrangements made known by the minute in council recently laid before the House, particularly with respect to the inspection of schools, there had been, since the last discussion, the greatest possible improvement made. So also with respect to another point—namely, the necessity of submitting to Parliament cases which might be deemed extraordinary, in which the pecuniary assistance was not to be proportioned to the contribution made by the party applying for the assistance, was also a great improvement, and removed many of the objections he had formerly entertained against the vote. At the same time, although he felt that the system was so altered as to render it possible for him to give his willing acquiescence to the grant, he still retained those objections he formerly expressed as to confiding the management and superintendence of the whole education of the people to a lay commission, composed upon the principle of recommendations by the Government. He felt that on a question involving the interests of all classes it would have been expedient and more advisable that it should have been regulated rather by an act of the Legislature, than by a discretion vested in a board, constituted as that was by which this pecuniary grant was to be administered.

Lord *John Russell* said, that the few observations made by the right hon. Gentleman, rather applied to the plan of last year. He had spoken of it as a plan to regulate the whole education of the country. It certainly was not such. If it were, he should agree with him that it would be matter for legislation rather than for a vote in a committee of supply. The present plan was based on this—that they should take care that those schools to which the public money was given, were under proper inspection. Objections having been made to the former schemes proposed, it had been finally arranged, that no person should be appointed an inspector without the approbation of the Archbishop of Canterbury, or the concurrence of the Archbishop of York in respect to appointments in his province. These two most rev. Prelates had, upon this arrangement, agreed that the inspection should extend to the whole matters of instruction taught in the schools, as well religious as secular. His belief was, that although this plan did not extend to the whole education of the people, great advantages would be derived from such inspection, and that the greatest possible benefit would ultimately accrue to the country by the gradual extension of education among the people.

Mr. *Langdale* complained of the very limited benefit to be derived from this grant to that religious part of the community with whom he was more immediately connected. There were upwards of 100,000 poor Irish belonging to the Roman Catholic religion within this metropolis who were entirely destitute of the means of education. These were neglected in their youth, and yet it was complained of in the public prints that the gaols were crowded with Irish adults, who were said most unjustly to participate in this grant. But the natural consequence of neglecting youth was to fill the gaols. What was the resolution which had been come to by the Middlesex magistrates, as it appears in the prints of the present day? In the last Session, he had proposed a measure to enable the Catholic clergy to receive a salary as chaplains of gaols, but it was objected to in another place. A memorial had been since presented to the Home Department, showing that nearly one-third of the persons in the metropolitan gaols, were of the Roman Catholic religion, and praying that a minister might be appointed for those prisoners that were subjected to restrictions for the purpose of reformation. The same reason that had induced them to refuse the benefit of education to these unfortunate men in their infancy, induced them also to refuse religious instruction to those in prison. If there was any remnant of good in these individuals, it was their adherence to the faith of their ancestors; and then, instead of availing themselves of the opportunity afforded of fostering this remnant of good, the first thing they made them do was to apostatize from their religion, and then they were surprised that they returned to society the same miserable individuals as they entered the gaols. They knew that their gaols were filled with persons of one particular class of religion, and they knew that it was one of the principles of their faith, that they do not accept the religious services of other religious bodies; and yet they only allowed the interference of their own clergymen, upon the special application of the prisoners themselves. Upon the apprehension of death, these parties might send for a minister; but it could not be supposed, that under other circumstances, they would voluntarily send for him who was their dread. Instead of this course, they ought to give every facility for religious instruction. These were the grounds on which he felt it his duty, however painful it might be, to make these observations; he knew the opprobrium that was cast upon those with whom he was connected, and the petitions that had been presented against this grant last year had but one burden, and that was to attack the Roman Catholics most undeservedly. He did not blame the Government for not doing more; he knew the fear, the danger, and the apprehension they had of the very name of Roman Catholics; but he did not wish it to go forth to the public, that they were sharing in this bounty equally with others, and then that these very parties formed a great portion of that community which remained in the unfortunate situation already described. In regard to the last minute of the council, he thought it was perfectly right that the clergy of the Church of England should have the superintendence of the religious instruction of those that belonged to their body; but whilst he admitted that, he claimed for himself the same right which he was ready to give to another; and, considering the situation in which a large class of the poorer portion of the community were placed, not only in the metropolis, but in the large manufacturing towns, he thought that something might be done.

Mr. *Baines* said, they had heard much of Church destitution, but of Catholic destitution they had heard little, and, considering the condition of a large part of the population, he thought that they ought to have heard much more. There was one question, however, which he wished to ask before the vote was agreed to, and it was—whether the inspectors of schools, over whose appointment the archbishops were to have a veto, were to inspect the schools conducted by religious denominations not belonging to the Established Church?

Lord *J. Russell* said, that the appointment of inspectors with the concurrence of the archbishops, related entirely to such schools as stated themselves to be in communion with the Church of England. There would be other inspectors appointed for other schools, but at the same time, if the inspectors appointed for the Church schools should visit districts in which there shall be other schools, and if the managers of the schools should not object, he could see no reason why the inspectors of the Church schools should not inspect the others.

Viscount *Sandon* wished to express his own satisfaction, and he believed the general and united feeling of every religious society, at the arrangement which had been made between the noble Lord and the head of the Church. He was only too gratified at being able to state the united feeling of the committee of the National Society, that the heads of the Church, in whose hands, without reserve, they had placed the arrangement, should have made an arrangement which to their minds was so satisfactory. He was sure that they were all imbued with one common object.

Vote agreed to.

SUPPLY—GENERAL ASSEMBLY.] On the vote of supply in the estimates for the year being 5,000*l.* towards defraying, for the year 1840, the expense of erecting a hall in Edinburgh for the use of the General Assembly of the Church of Scotland,

Mr. *W. D. Gillon* objected to the grant.

Mr. *Robert Steuart* defended it as necessary, and as being consistent with the promises of the Government.

The committee divided:—Ayes 38; Noes 14:—Majority 24.

List of the AYES.

Acland, T. D.
Adam, Admiral
Alston, R.
Baines, E.
Baring, rt. hn. F. T.
Bridgeman, H.
Campbell, Sir J.
Clay, W.
Clive, E. B.
Dunbar, G.
Elliot, hon. J. E.
Ferguson, Sir R. A.
French, F.
Gordon, R.
Grey, rt. hon. Sir G.
Henniker, Lord
Hobhouse, rt.hn.Sir J.
Hodges, T. L.
Howard, hn. C.W.G.
Jones, Captain
Labouchere, rt. hn. H.
Macaulay, rt. hn. T.B.
Morpeth, Viscount
Palmerston, Viscount
Parker, John
Pigot, D. R.
Price, Sir R.
Roche, W.

Russell, Lord J.
Rutherfurd, rt. hn. A.
Sandon, Viscount
Sanford, E. A.
Sheil, rt. hn. R. L.
Smith, R. V.
Stanley, hon. E. J.
Tennent, J. E.
Tufnell, H.
Wood, G. W.

TELLERS.
Maule, hon. F.
Steuart, R.

List of the NOES.

Aglionby, H. A.
Baldwin, C. B.
Brocklehurst, J.
Brotherton, J.
Duke, Sir J.
Finch, F.
Hobhouse, T. B.
Hume, J.
Langdale, hon. C.
Norreys, Sir D. J.
Philips, M.
Vigors, N. A.
Warburton, H.
Wood, B.

TELLERS.
Gillon, H.
Hawes, B.

Vote agreed to.

The House resumed.

HOUSE OF COMMONS,

Saturday, July 25, 1840.

MINUTES.] Bills. Read a second time:—Slave Trade (Venezuela); Infant Felons.—Read a third time:—Blenheim Palace; Poddle River; Marriage Acts Amendment; Fisheries.

DOG CARTS.] Mr. East moved the second reading of the Dog Carts Bill.

Mr. *Ewart* opposed the bill, which he conceived would inflict great oppression on the poor man who could not afford to keep a horse or a donkey.

Mr. *East* said, he did not intend to press the bill this Session, but observed that the House had already sanctioned its principle.

Mr. *Warburton* said, the bill might be expedient for the crowded streets of the metropolis as an act of humanity, not to the canine, but the human race, but he doubted the propriety of applying it to the rural districts.

Bill withdrawn.

On the motion that the House resolve itself into a Committee on the

SUGAR (EXCISE DUTIES) BILL.] Mr. *Ewart* complained of the additional restrictions placed upon the manufacture of home sugar by this bill.

Mr. *Hawes* begged to put one fact upon record, that the sugar monopolists were inflicting a great injury, not only upon the people of England, but upon the landowners, because, from the monopoly price of sugar, the manufacturers found it impossible to make preserves of the fruit, which was so plentiful.

Mr. *Darby* said the prosperity of the fruitgrower had been already swept away by the repeal of the duties on foreign fruit.

Bill went through Committee.

JOHN THOROGOOD.] On the question that the House do adjourn,

Dr. *Nicholl* wished to take that opportunity of saying a word on a subject which was under the consideration of the House last evening. He alluded to the discussion on the case of John Thorogood. He was not present during that discussion, but from accounts which he had seen of what was said, he apprehended that there was a very great misapprehension as to the power supposed to exist of ordering the release of that individual. It had been said that the churchwardens could, by adopting a particular course, procure his liberation from prison. This was an error. The churchwardens had no such power; nor was any such power vested in any judge, or court, or body of men. A reference to the words of the Act of Parliament would put it beyond doubt that there was no authority which could order Thorogood's release save that of an act of Parliament. He felt it necessary to say thus much, because, as the opinions to which he referred had gone forth to the public, they might raise expectations in the mind of that unfortunate individual which could never be realized; for it was certain that if he were brought before his right hon. and learned Friend, the Member for the Tower Hamlets (Dr. Lushington) in his capacity as judge of the Consistorial Court, his learned Friend would at once declare that he had no power to order the release unless Thorogood appeared and submitted. The words of the act were, he repeated, so precise, that no authority but that of another act of the Legislature could authorize his discharge.

Lord *J. Russell* said, he was under the apprehension that such a power did exist somewhere, and this arose from what he understood to have fallen from his hon. and learned Friend the Attorney-general. He had thought that some of the provisions of an act passed with respect to cases of contempt of the Court of Chancery might be made applicable to the present case.

House adjourned.

HOUSE OF LORDS,

Monday, July 27, 1840.

MINUTES.] Bills. Read a first time:—Austrian Treaty; Metropolis Improvement; Marriage Act Amendment; Affirmation; Fisheries; Commerce and Navigation; Registers Evidence Bill.—Read a second time:—Turnpike Acts Continuance; Turnpike Acts Continuance (Ireland); Insolvent Debtors (Ireland); Soap Duties.—Read a third time:—Newgate Gaol (Dublin); Prisons (Ireland); Parliamentary Boroughs; Canal Police.

Petitions presented. By the Bishop of Rochester, and the Earl of Devon, from Peterborough, and the Rev. Sidney Smith, praying their Lordships not to pass the Ecclesiastical Duties and Revenues Bill.—By the Marquess of Westminster, and Lord Brougham, from Bolton, and places in Cheshire, against the Weaver Churches Bill.—By Lord Portman, from Luton, Bedfordshire, against the use of Dogs in Carts.—By the Bishop of Durham, from the Dean and Chapter of Durham, against the Ecclesiastical Duties and Revenues Bill.—By the Marquess of Normanby, from the Minor Canons of St. Christ, Canterbury, in favour of the Ecclesiastical Duties and Revenues Bill.

CHIMNEY SWEEPERS.] The Earl of *Haddington* brought up the Report of the Select Committee on the Chimney Sweepers Bill, and moved that the bill, together with the amendments, be printed. When the bill was formerly before the House, he expressed a hope that in committee relief might be given to the suffering class of persons—the climbing boys—to whom the bill referred, by the invention of a system of cleansing chimneys with machinery, affording security to the public against danger from fire. He was happy to say that his hope and expectation had not been disappointed, and that the bill, in all its main provisions, would be found to meet the evil that existed, and at the same time afford the protection that was required. The bill as it came from the Commons would have come into operation on the first of January, 1841, but the committee deeming it desirable that the new system should come simultaneously into use in Ireland and Scotland as well as in England, the time of its commencement had been postponed till July, 1842.

The Earl of *Wicklow* said, that the evidence given before the committee had induced him to change the opinion he originally entertained upon this bill, and he was now quite willing to give it his support. He was satisfied the public could dispense with climbing boys to clean chimneys, although they would be occasionally necessary for the purpose of repairing chimneys.

The Marquess of *Normanby*, being one of those who had opposed referring this bill to a Select Committee, thought it right to express his gratification at the result of their labours.

Bill to be recommitted.

ECCLESIASTICAL DUTIES AND REVENUES.] The Order of the day for the second reading of the Ecclesiastical Duties and Revenues Bill having been read,

Viscount *Melbourne* never felt himself oppressed with his own weakness and want of ability more than on the present occasion, when he had to bring before their Lordships a question which, without doubt, was of very great magnitude, and of very great importance; which not only involved important general principles connected with Church government, but also many questions of common and of ecclesiastical law, with which he must necessarily be very imperfectly acquainted. He felt, under these circumstances, great satisfaction, support, and consolation, in being supported and assisted by those who had complete and thorough knowledge of the whole of this subject, and who were well acquainted with the present system, and also with that system which was sought to be established, and who would be able to correct any error he might commit, and supply any deficiency in his statement. Upon the present occasion, the second reading of the bill, although there were many details which were of very great importance, and which required their Lordships' careful attention, he should confine himself entirely to the general principle of the bill; which was this—whether their Lordships consented or not to a reduction of the present cathedral establishments, and an application of the fund which would be raised by that reduction to remedy a crying evil, which had been brought before their Lordships in so strong and cogent a manner, and which had a powerful claim upon their Lordships' justice and feelings, namely, the unhappy destitution of spiritual instruction which unquestionably, from various causes, prevailed throughout a great part of this country. These were the general principles that he asked their Lordships to consent to on the present occasion. He must be allowed to remark, before he proceeded further, that there was an error into which the learned counsel who had addressed their Lordships had, no doubt, unintentionally been betrayed in the heat and hurry of their speaking, and in the warmth of their argument. Both these learned gentlemen had stated, throughout the whole of their speeches, that what their Lordships were now called on to decide was, not whether certain reductions should be made in the cathedral establishment, but whether they should be completely suppressed; they had addressed their Lordships as if their Lordships had been called on to abolish them; whereas, all that their Lordships were called on to do was, to make some reductions, and at the same time to leave them amply sufficient for all the purposes for which they were instituted, applying the funds to be raised by the present measure, to remedy that deficiency in the parochial system against which it was one of the first duties of the House of Lords and the House of Commons to provide. In 1835 the Government of which the right hon. Baronet, Sir R. Peel, was the head, advised his late Majesty to make such a recommendation in his speech to Parliament, in the following terms:—

> "I have appointed a commission for considering the state of the several dioceses in England and Wales, with reference to the amount of their revenues, and to the more equal distribution of episcopal duties; the state of the several cathedral and collegiate churches, with a view to the suggestion of such measures as may render them most conducive to the efficiency of the Established Church, and for devising the best mode of providing for the cure of souls with reference to the residence of the clergy in their respective benefices. The especial object which I have in view in the appointment of this commission is to extend more widely the means of religious worship, according to the doctrines of the Established Church, and to confirm its hold upon the veneration and affections of my people."

Commissioners were then appointed, and when a new Government succeeded the commissioners were continued, the only alterations made being such as were rendered absolutely necessary by the change which had taken place. The commissioners pursued their labours, and their reports contained all the main suggestions proposed to be carried into effect by the present bill, the principles of which had been already stated to their Lordships. The recommendation of these commissioners respecting the episcopal revenues had been carried into effect — their recommendations in regard to pluralities and sinecures had also been carried into effect, and now their Lordships were called upon to carry out the recommendations contained in the second and fourth report — recommendations which had the authority of both governments, and of the commissioners from whom they had emanated. It had been stated, and strongly impressed on their Lordships by the learned counsel, that these recommendations had been made at a time of difficulty and turmoil, and under fear and apprehension — that they were intended merely to meet the difficulties and exigencies of that occasion, and now that the danger had passed away, they might be disregarded, and that they were not called on to make that sacrifice which in a time of trouble they were prepared to make. He was informed, and believed, that the right hon. Baronet (Sir R. Peel) and his colleagues completely denied that imputation; they denied that the commission was formed under the influence of apprehension and fear.

> "When I appointed that commission," said the right hon. Baronet, "I did not do so from any temporary motive, or under any apprehension of danger, but from a desire to provide for the religious destitution which existed in some of the largest manufacturing towns in this country, and which I felt it could not be for the interests of the Church of England to allow to exist without making some vigorous effort to remedy it."

On the part of himself and his colleagues he now made the same declaration. He begged to disclaim their acting from those motives. Indeed, they could not very well act from such motives, because they had always contended there was no danger, and that neither the church, nor any of our great institutions of the state, was subject to any great peril or difficulty. But, even if it had been so, he had always held there could be no course on the part of Governments or Parliaments which led more certainly to ruin and destruction than to withhold that concession in a moment of returning security which they were ready to make when under the pressure of danger. He utterly denied, however, that there was on the part of himself and his colleagues any fear or apprehension, or any *metus* other than that *metus qui caderit in constantem virum*. They felt unquestionably it was wise to apply a remedy to acknowledged evils and grievances, and which they could not say did not exist; but that was not fear; it was prudence, it was wisdom. It was under that impression they had acted; and he would say, those measures which it was then wise to adopt on account of this necessity, it was wise for their Lordships now to carry into effect, even though there might be less clamour and noise than prevailed on that occasion. It was almost unnecessary for him to restate that which had been stated before, and which was very clearly and distinctly stated in the reports of the commission; and that was the amount of destitution of spiritual instruction which existed in this country. That had been admitted on all hands, and lamented by all; and, considering the morality of the country, the policy of the country, and the general interests of the country, it was an evil to which it was most incumbent on Parliament to apply a remedy. The commissioners in their report said, in order to give increased efficacy to the establishment of the Church, it was obviously necessary they should attempt to equalize the number of persons attached to different churches, and to add to the number of the churches. They then stated the number of livings in the country, and the population, and the impossibility of providing for that population sufficient means of religious instruction under the present system. And afterwards the commissioners said, the most prominent of those defects which existed in the Established Church was the want of churches and the small number of ministers in the large towns and manufacturing districts of the country, as the present establishment was wholly insufficient for the population, even after every allowance was made for the number of places of worship and ministers in connexion with the Established Church. He thought it was quite unnecessary to argue as to the absolute necessity which lay upon them for doing this. It was hardly necessary for him to argue, that the Church ought to set an example in this respect, or how fitting it was that the Church ought to take the lead in making such an apportionment of the funds at her disposal, as would show her readiness and zeal to emulate and assist them. It was unnecessary for him to detain their Lordships with further argument on this subject, but he would beg them to recollect, that they had heard strong objections to the course they proposed to take by the counsel at their Lordships' bar, to which, if he did not make some allusion, he did not think he should perform his duty, because the general argument of these learned gentlemen went to the root of the question. Their Lordships had been told by counsel, that they had no moral right to interfere; that the case wanted all the grounds and all the foundation which other cases had. Counsel admitted that the same thing had been done on former occasions—that the funds of an institution like the Church had been transferred from one body to another; but then, said these learned gentlemen, this had always been done on grounds distinctly stated, and which had not in the present case been alleged. But the learned counsel must have forgotten, that in making this admission he had cut from under his feet the whole ground of his own argument. Were they to be excluded from all interference with institutions, however circumstances might have changed, or however much their funds might exceed those originally vested in them? The learned counsel said, that they must prove some delinquency in those public bodies before they could properly interfere, as in the case of the Knights Templars. But if institutions were sound, and supported by the spirit of the times, delinquency was not a sufficient ground to interfere. If a bishop committed a crime, he might be punished, but it was no ground of interference with bishoprics. The only case in which delinquency was a reason for attacking an institution, was where, from some defect or vice in its original formation, it could not produce good. Therefore it was, that perpetual delinquency gave them a right to proceed against an institution which produced such fruits; but if the institution was good in itself, an occasional delinquency was no reason for their interfering with it. The other point touched on by the learned counsel was that relating to a surrender; but this brought them back to the original matter, whether an institution was good in itself, and whether it was so under present circumstances. He admitted, that all institutions of this character, those ancient institutions in particular which had been devoted to religious purposes, should be considered with the greatest respect and caution—that they ought not to be intermeddled with rashly, but he could not agree with those who thought they were to remain inviolate, however cogent the reasons which might urge the Legislature to look upon them in a different light. He thought, that such a doctrine was absurd. The learned counsel had also referred to the period of the Reformation. He looked upon that event as the greatest gift that had ever been conferred on this country, but it was not carried by the most justifiable means, and the proceedings that then took place, ought to be looked to very closely before they were adopted as a precedent. By the Act 21st Henry 8th, there were seized 276 religious houses, having an income of 30,000*l.*, and personal property worth 100,000*l.*; a large sum for those times. That Act proceeded entirely on the delinquency of those houses. In the second Act touching this matter in Elizabeth's reign—the grounds on which that Act proceeded being surrender and not delinquency—if the learned counsel wanted a precedent, he had one at his hands. He ought to have looked at the 32d Henry 8th, c. 24, and he would there find, that by that Act, the possessions of the knights of St. John of Jerusalem were seized because they refused to surrender, and because they adhered to the Roman Catholic religion. This was the sole cause. Their possessions were seized not from any surrender, or any allegation of delinquency on their part, but because they adhered to the Pope. The learned counsel had gone on to state why he thought this measure inexpedient, by stating a great many duties which he said the chapters ought to perform, and which they might be still called on to perform, with great advantage to the country. He could not agree with the learned counsel — he thought the present bill better than his. Some said it was necessary to maintain the chapters for the purpose of divine worship, but more particularly for the study of theology. This latter point might be a very good thing, but he did not think that it was a thing which they wanted; and as to education and almsgiving, he did not see how the chapters were peculiarly fitted for such purposes; but counsel, besides pleading for a general ecclesiastical council, that the Church might manage its own affairs, wished the chapters to take upon themselves their former duties as a council to the bishop. He was not for that; he was not for limiting the power of the bishop by any body which might fetter him when right and shield him when wrong; he was an advocate of the monarchical principle in the Church as in the State, and for the discretion of one man responsible either in himself or by his advisers. The bishops, he knew, had great power, which it was possible they might use for the purpose of oppression, but it was one great advantage of their sitting in Parliament, that they were responsible and liable to be called to account. The few complaints which had been made in respect of the exercise of that power, was a sure proof that they had exercised it with moderation, prudence, and justice. He did not think there was any sufficient ground for keeping up the chapters either for those purposes which they once fulfilled, or for any duties which they might be hereafter called on to undertake. It had also been urged as an argument against the bill by a right rev. Prelate, on presenting a petition against it, that it was opposed by all the deans and chapters, and the great body of the parochial clergy. He had not had the means of ascertaining the extent of that opposition, but he felt quite certain, that those opposed to the bill were not actuated by any selfish or unworthy motive. He did not believe that self interest is, or ever had been, a characteristic of the clergy of England. He had a high respect for the Church of England, he agreed in the doctrines of that Church; he meant her religious and not her political doctrines. [*Laughter*] He saw a rev. Prelate had doubts on this point, but ever since the Reformation more than half the political questions agitated in the country had been connected with the religion of the Church of England. He did not agree with those divines who gave up the benefits of the Uniformity Act, or with those who refused the oath to King William and Mary, and continued nonjurors at the time the family of her Majesty ascended the throne. He saw a great deal of violence and obstinacy in this, and a division on points of so little importance to justify it, yet still there was a great abnegation of self interest, and he therefore acquitted the clergy of acting from interested motives, although he might not approve of their conduct. But there were other reasons which might account for their opposition; there was the general spirit of the body. The deans and chapters looked on the measure as a sort of imputation on them that they had neglected their duty; but while this strong feeling against the bill existed on the part of the clergy, it at the same time rendered them not the best judges as to the matter in question. He did not think that the Church alone and by herself was celebrated for her legislation. She had not been happy in her efforts in that particular, and he therefore would not be deterred from proceeding with the bill from the disapprobation of the clergy, even if it was as great and as extensive as represented. One great argument for the bill was, that the Church was bound to provide for those who had the strongest claims upon her, and that it went to remove funds which were virtually lost, and applied them where they could produce the greatest benefit and advantage. The learned counsel said, that the Church was divided between its friends and its enemies. He did not know who the learned counsel called its enemies, but if he meant by this term the supporters of the present measure, all that he would say was, that it was not the first time that a body or an individual suffered evil from their friends, and derived some benefit from their enemies. He believed if its enemies proceeded with the bill, and the friends of the Church resisted it, that her enemies would be conferring a support and advantage to the Church which its friends were unwilling and unable to give. The learned counsel had also asked on what principle of common or statute law, they justified themselves for going on with this bill. The statute on which they rested was the religious destitution which prevailed, and the absolute necessity for applying a remedy.

The Bishop of *Winchester* had great difficulty in approaching the consideration of this subject, and he felt that that difficulty was in no small degree increased by the manner in which the noble Viscount had introduced it. He felt the kindness of his expressions towards the Church, and in common with all his brethren felt grateful for the justice the noble Viscount had done to the several orders of that Church, and for his admission, that no case of delinquency on their part had led to the bringing in of the present measure. He doubted whether he had the power to fix their Lordships' attention to a subject of this momentous nature, more especially when he considered the character that had been given to the bill. The noble Viscount had said, that the bill was intended to increase the efficiency of the Church, and to rivet her in the regard of the people. If he could bring his mind to believe, that such would be the effect of the measure now submitted to them, neither the opposition of the right rev. Prelates, nor that of the deans and chapters, nor that of the clergy generally would deter him from supporting it. He admitted, that the bill came recommended to their Lordships by high authority. It purported to be an Act to carry into effect, with certain modifications, the fourth report of the commission on Ecclesiastical Duties and Revenues. That commission consisted of eight lay members and five ecclesiastical members. It was his firm persuasion and belief, that of all the persons who sat upon the commission—whether the first or that which succeeded it—there was not one who did not approach his duties with an earnest and serious desire to carry into full effect the wishes of his Majesty, by whom the commission was issued. Above all, he was satisfied, that the most rev. Primate and those of his right rev. Brethren who sat upon the commission, had entered upon their difficult and delicate task with the highest sense of the responsibility which attached to them, and with a most earnest desire to fulfil their duties in such a manner as should be most advantageous for the establishment and for the general welfare of religion throughout the country. Yielding to none in respect for the most rev. Primate, he was still bound to say that, after a most mature and painful consideration of all the provisions of the measure now proposed, he could not but lament that it should have come recommended to Parliament by such high authority in the Church. But whilst he lamented the high authority by which it was recommended on the one hand, he must not forget to remind their Lordships that some authority was still wanting in its favour. There were many of his right rev. Friends—he believed he might say a majority of them who strongly and decidedly objected to this bill. It wanted, likewise, the authority of the universities of the land, both of which had petitioned their Lordships earnestly, but respectfully, praying that they would not suffer a measure of this description to pass into a law. Again, it wanted the authority of the great body of the clergy;

and although the noble Viscount stated that, in his opinion, the clergy were not the best advisers in matters of this kind, yet, in affairs so peculiarly relating to themselves, he could not but think that their Lordships would attach some little weight to their respectfully expressed opinions. The measure wanted, too, the authority of the cathedral establishments. Twenty-two of these institutions had, in the first place, addressed the commissioners, in the next place his Majesty, and finally, both Houses of Parliament against the bill. He must further remind their Lordships, that although the measure came recommended to them by the report of the commissioners, yet it was not founded simply and solely upon that report. In addition to the propositions contained in the fourth report of the commissioners, the bill, also contained certain other provisions which were intended to be embodied in a fifth report from the ecclesiastical commissioners. Now, it was well known, that the draft of that fifth report contained very important additions, some of which had found their way into this bill, and which were much at variance with the principle of the recommendation contained in the fourth report. Under these circumstances, he could not but object to the measure which had been introduced to their Lordships. The noble Viscount did not advert to the character of our cathedral establishments. They were divided into what was popularly called the old and new foundations. The old foundations consisted of prebendaries, residential and non-residential. The new foundations established by Henry 8th, and remodelled by Charles the 1st, contained only prebendaries residential. The residentials in different cathedrals varied in point of number—in some they were as many as twelve, in others as few as four. The whole number of residentials amounted to rather more than 200—about 204, and their duties required a regular daily attendance in the cathedrals for various portions of the year. The non-residentials comprised a much larger body—about 340; and their duties consisted in little more than preaching one or two sermons occasionally in the course of the year. The property of these institutions consisted partly of what might be called property proper, that was to say, of houses or landed estates, and partly of parochial tithes or impropriations—the latter description of property having been given in exchange for real property. Such was a short description of the nature and character of these institutions. What, then, were the provisions of this bill? In the first place, it absolutely suppressed all prebends not requiring residence; and then it went on to reduce the prebends requiring residence to the number of four in each cathedral, with one or two exceptions only, in which five were allowed. Further than that, it dissolved all the corporations of minor canons. And he might observe in passing, that if there were any part of this measure which their Lordships could pass with greater safety than another, it was that part which related to the suppression of the corporations of minor canons. Those corporations were, he believed, the only bodies in the Church who had asked for their own suppression. As far, then, as they were concerned, their Lordships might legislate with perfect safety and propriety. But, to proceed beyond what he had stated: the bill proposed to alienate generally the separate estates belonging to deans, and the members of chapters. Further, it appropriated all property derived from reductions and alienations, and applied it to the augmentation of small livings, or to the endowment of new benefices. It then went on to transfer patronage in certain cases, and under certain conditions, from one body corporate to other bodies corporate, or from individuals to individuals; and, lastly, it provided for an alteration of the ancient statutes of these several institutions, in order to meet the changes which would be effected under its alterations. Such was a short summary of the various measures contained in this bill. The effect of them, if carried into a law, would be to abolish no fewer than 72 residential prebendaries, and 317 non-residential—reducing this class of church dignitaries from 540 in number to about 150. In short, its general effect would be, to take away little less than one-half of the revenues now attached to cathedral establishments. Such was the sweeping character of the measures embodied in this bill. He thought their Lordships would agree with him, that nothing short of the strongest necessity could justify them in acceding to such a measure. Had any such necessity been proved? Had any trial been made as to whether there were not other ways in which the same amount of means might be brought to bear upon the admitted destitution of the Church? This measure was advanced on the plea of expediency? but he did not think it expedient to take this mode of relieving the known and admitted destitution of the Church. At this particular crisis, when there was the most need for a learned and intelligent body of clergy, when the increase of population and the general diffusion of knowledge rendered it imperative that the appointed teachers of the people should take a high stand in the ranks of learning, was it at this particular moment that their Lordships would consent to weaken, impair, and well nigh destroy the nurseries of sound theological knowledge and pure divinity? He trusted that the noble Viscount would not suppose that he went so far as to say that this measure would totally annihilate cathedral establishments. He knew that it would not; but it would weaken and impair them to such an extent as to deprive them of nearly the whole of their usefulness. He believed, that if in an unhappy hour their Lordships should be induced to pass this bill, succeeding generations would have deep reason to regret the severe and injurious blow struck at those venerable institutions to which we owed our Hookers, our Porteuses, and all those learned and eminent divines who had shed a lustre upon our literature, and given an additional sanctity to our Church. He maintained that it was impossible, from the materials of which that bill consisted, to provide a fund sufficient to supply the destitution admitted to exist in the Church, and even if it were possible so to do, then he should maintain that the parochial clergy would not willingly exchange the fair prospect of advancement which they at present enjoyed for the small additional pittance which this bill would extend to them. Then came the question of right, which appeared to him to hinge upon this point—how far the State had a right to interfere with the property of the Church, in the way of redistribution, or whether it had the right to go beyond the point of superintendence? This point appeared to him to depend upon authorities, and he contended that the whole weight of authority went directly against a measure of the character now proposed. In this bill, he found an acknowledgment of the principle that it was right to resume free gifts made absolutely and for ever, and that not by the parties by whom the gifts were made, nor by their representatives, but by another party having no relation nor affinity to them. What right had the Legislature so to deal with property given for certain specific purposes—not by the State, but by individuals for ever? He could not think that their Lordships would sanction this principle. He admitted, that the poor diocese of Exeter, and the populous diocese of Chester should have their destitution relieved, and he was bound to say, that he thought there was no sacrifice that the Church should not make to effect that purpose. But it appeared to him that there was another party equally bound with the Church to make sacrifices to supply the deficiency of religious instruction which existed amongst the vastly increased population in many districts of the country. He maintained that the State itself should be called upon to take its part, and to do its duty in this matter. He complained, that previous to the introduction of a measure of this kind, no appeal had been made to the country. He begged to remind their Lordships of the words of one who was amongst the wisest as well as the most eloquent of statesmen, and who said, "if prescription be once taken away no species of property will be secure when it once becomes an object for indigent cupidity. I see that the confiscations began with the bishops, deans, and chapters, but I do not see them end there." So said Mr. Burke, when he looked back upon that page of history, when the Long Parliament passed a measure of the same description as that now proposed. There could be no greater mistake than to suppose that this was merely a question between deans and chapters on the one hand, and the ecclesiastical commissioners on the other. It was a question in which the interests of the whole Church and State were vitally and materially concerned. Strongly convinced that the bill, if carried, would operate most prejudicially to the establishment and to the general interests of religion, he begged in conclusion to move, as an amendment, that it be read a second time that day three months.

The Archbishop of *Canterbury* agreed with his right rev. Friend, that this bill involved a question of the greatest importance both to the nation and to the Church; and although he could not but feel some difficulty in standing forward to justify the measure, after the very eloquent speech which their Lordships had just heard, yet he could not say that his opinion of it had been altered in the slightest degree by that speech. He thought on the contrary, that if their Lordships should come to the determination to throw out this bill, the results would be more or less disastrous to the Church, and a great opportunity of satisfying expectations which had been raised throughout the country would be lost. This bill was the completion of a system commenced by the Ecclesiastical Commissioners, in obedience to the recommendation of the Crown. The first object they were directed to turn their attention to was the greater equalization of the revenues of bishops, making such arrangements in ecclesiastical property as should diminish the frequency of "translations," and entirely remove the necessity of commendams. That had been accomplished by a bill which their Lordships had passed, involving the principle of the present measure, and enacting the transfer of property from one bishop to another. He might say, therefore, that the principle of the bill had received the sanction of their Lordships. Another part of the measures of the commissioners was the restraint of pluralities, by which the undue accumulation of preferments upon individuals, which had so long been the disgrace of the Church, had been in a great degree removed, and the parishioners had recovered in many instances the right of having their clergyman resident on his benefice. The third point which the commissioners had been directed to consider was the state of the several cathedral and collegiate churches in England and Wales, with a view to the suggestion of such measures as might render them conducive to the efficiency of the Established Church, making provision for the cure of souls, with especial reference to the residence of the clergy in their respective benefices. The evil which this bill proposed to remedy was the great destitution of the benefits of religious instruction, public worship, and pastoral care, prevailing in many parts of the country. It might be proper for him to state to their Lordships the amount of this destitution in some districts, and the absolute necessity which existed of providing a remedy.

"Were no addition made," said the report, "to benefices having a population under 500 souls, 235,000*l.* a year would be required to raise all the benefices between 500 and 1,000 in population to 300*l.* a year, and the others in proportion."

What a miserable condition was this to which so many of the beneficed clergy were reduced! But the condition in which the people who were to profit by the ministrations of the clergy were placed was still worse. In London there were four parishes with an aggregate population of 166,000, with church-room for only 8,208, and 11 clergymen. There was one parish containing 799,000 souls, with only 66,000 sittings. In London and Southwark there were 1,147,000 persons who had church-room in the proportion of 1 to 11, with only 75 ministers. The case was equally bad in the provincial dioceses. There were 816,000 inhabitants in 38 parishes in the diocese of Chester, with church-room for not 100,000. In some parishes of the diocese of York there was a population of 402,000 with church room for only 29,000. In part of the diocese of Chester there was a population of 235,000, with the same amount of church accommodation. Throughout all the country the amount of church accommodation varied from 1 to 8 to 1 in 30. What a miserable state was this! Was it not proper that some measure should be taken to provide an improved system of spiritual instruction, and a more adequate supply of church accommodation? What was the method by which the commissioners proposed to remedy this deficiency? The means they proposed to take were not to be found in the destruction of the cathedrals, but in the suppression of a certain number of canonries, amounting to 72, a sufficient number of canons being left for the due performance of the church services, and provision being made as adequate, if not more adequate than before, for the sustentation of those magnificent fabrics. It had been stated erroneously by the counsel at their Lordships' bar, that it was the intention of the commissioners absolutely to destroy those institutions; but there would be just the same means as before for the support of the fabrics, and also additional means in case the ordinary means should fail. This was what the bill proposed. Would their Lordships say, when the cathedrals were reduced to the care of a dean, of four canons, of a certain number of minor canons, with assistants, there being eight or nine clergymen for the performance of daily service throughout the year, that there would be any great fear of the service not being properly carried on? With respect to non-residentiary canons, the number of them to be abolished was greater; but it was to be observed that many of the canonries were of small value. Some of them were of considerable value; but they must always be considered as sinecures. It could not be pretended that this character was taken away from them by attaching to them the duty of preaching one sermon in a cathedral church in the course of a year, where the holders of the canonry generally did not preach, leaving that duty to be discharged by the residentiary canons. It would really be an absurdity, in a case like this, to talk of a scarcity of clergymen to provide for the maintenance of public worship in cathedrals. He did not mean in the slightest degree to depreciate the advantages derived by the church from the cathedral establishments, nor even the remuneration for services that was provided by the sinecures of the non-residentiary canons. If circumstances would admit of it, he should be inclined rather to increase than diminish the number of those benefices; but, on the other hand, if they were set against the destitution of religious instruction, which extended not only to populous cities, but to many parts of the agricultural districts, no one could doubt in which of these features of our ecclesiastical establishment an alteration should be made. The right of the state to deal with property set apart by the owners for ecclesiastical purposes, of a particular class, had been questioned. He admitted that such bequests might sometimes be made, not so much for the general good of the community, as for a particular object supposed to be connected with it; but they must consider in what times many of the donations of property to which he had alluded were made. The persons who had made them might, and probably would, if living in the present day, wish to see them applied in a very different manner. A great many of the bishops had founded benefices of the kind of which he was speaking, and were supposed to have done so with their own property, but that property really belonged to the church. Those bishops bestowed for this purpose property which they had confiscated. The endowment of cathedrals was no doubt a very proper application of the money, but still those who had profitted by those acts of spoliation had no right to come forward and say that this application of the money should never be altered. The State was not bound, like the Church, to adhere to the rules of existing law; it had the power of altering them. With respect to the precedents which the counsel at their bar had quoted, he thought their Lordships should be very cautious how they acted on them. Many of those precedents were bad, having been set in times when the true principles of government were not so well understood as now, and when the state of society was very different from that which now existed. But this he must say, that he did not think that enactments inconsistent with justice could be justified by any precedents, and that if a proposed enactment were consistent with justice, they had a good right to legislate on it whether precedents existed or not. He had endeavoured to convey to their Lordships an idea of the poverty of spiritual means which existed, and he would now proceed to state the sacrifices which would be required with respect to the cathedrals, in order to remedy the destitution. Nearly 3,000,000 of our fellow Christians in this country were utterly cut off from the advantages of religious worship and pastoral superintendence. In order to make provision for the supply of those blessings, a number of canonries to which some duty was attached would be suppressed, and a still greater number of non-residentiary canonries, which were in every sense of the word sinecures. There were something less than 400 clergymen, the value of whose benefices was set against the spiritual wants of millions. Now, he would not suppose that the duties of those canonries had been improperly or imperfectly discharged; he would suppose that they had been discharged in such a way as left no ground for complaint. He would also suppose that the appointments had been filled by men eminent for their piety and learning, and who devoted their learning to the good of the Church; and he would ask their Lordships to say whether the benefits so accruing to religion, were to be compared with the one which might be expected to flow from the scheme which the commissioners proposed. His right rev. Friend who spoke last said, that Hooker was an instance of the learning which was secured to the Church by canonries. Why, Hooker had never held such a preferment, or if he had, it must have been one of exceedingly small value. Hooker's exertions in such a cause as that to which his labours were devoted, were not prompted by so low a motive as the hope of obtaining a canonry. Where was the probability that a clergyman entering on the cure of a parish and discharging his duties faithfully would obtain any preferment of this nature? The most learned theologians who had adorned the Church of England, were not to be looked for among the holders of canonries. An objection had been made to this measure, that the sum to be obtained for the purpose of removing the destitution of which he had spoken would be small. The amount, undoubtedly, would be small in the beginning, but it would be something very considerable in the end. The force of example also would do much. Those who had the means of aiding the exertions of the Church would probably do so, when they saw the Church trying to help itself. The funds of Queen Anne's bounty, for the augmentation of small livings, were only 12,000*l.* a year, but considerable assistance in aid of that sum was derived from the Pastoral Aid Society, and the Supplementary Curates' Fund. It was said by the opponents of this bill, that it was the duty of the State to supply acknowledged deficiencies. He was of that opinion, but he could not forget that the State might say, and would say to the Church, "Set the example, do something for yourselves." That was the language held by an illustrious Duke whom he did not now see in his place, when he presented a petition on this subject the other evening from the University of Oxford: that was the language which the noble Duke had also held when he was in office twelve years ago. He said something must be done, but that something must come in the first place from the Church. That was also almost the expression of Earl Grey, with whom he had held many confidential conversations on the subject; and Earl Grey continually said, "We can do nothing for you, if you will do nothing for yourselves." That was also the opinion of Sir R. Peel. The motion lately made in the House of Commons on this question, had shown the good will of many persons to this object, having had more supporters than he believed was expected; but it had also elicited a strong declaration of opinion from that assembly, which he hoped they would be disposed to alter, when they saw that the Church was disposed to make exertions. It had been urged, that the confiscation of ecclesiastical property made in the time of the Long Parliament, and also in France during the revolution, had been ushered in by a proposal to take away only a part of it, and that if their Lordships agreed to this bill, it would form a precedent which those who were lying in wait for the subversion of the Church, would make use of to further their own designs. But when it was said, that this precedent would be ruinous, he would say in return, "Look at what will be the effects of the rejection of this bill." That was the point which he wished to call to the attention of those right rev. Prelates who were hostile to this bill. The first result arising from a rejection of it would be, that the present destitution of religious instruction which was in itself an intolerable evil would remain. Next, let them consider what would be the result to the Church itself. If so many persons remained at present in alienation from the Church, because they knew her not, because they were unacquainted with her doctrines, and because they did not profit by her ministration, the continuance of such a state of things would add greatly to the minority of those who now entertained sentiments hostile to the Church itself. It would increase the prejudices which at present existed against the Church, and which would be increased by giving parties ill affected towards her the opportunity of saying, that "the Church calls upon the country to do every thing for her, and yet the Church will do nothing for herself." He had reason to think, that the good effected by the passing of this bill would be extensive. It would prevent the revival of those prejudices against the Church, which had been removed by many late measures, particularly by the inquiries into the amount of the revenues of the Church, which had shown that those revenues fell far short of the amount stated in many pamphlets, and of what they were believed to be by many strenuous friends of the Church itself. The next measure in point of importance which had tended to the abatement of those prejudices was the appointment of the Ecclesiastical Commission, and its recommendation of a better distribution of the episcopal revenues and of the abolition of ecclesiastical sinecures. There had been no less a sum than 39,000*l.* a year held by bishops *in commendam*, all which had recently been set loose for the advantage of the subordinate clergy, who now could look for such preferment, and who were therefore so far indemnified for the loss of the other preferment which this bill might be supposed to take from them. The next measure in abatement of the prejudices against the Church was the reduction of pluralities. He had been informed by a gentleman very well affected to the Church of the very beneficial change which that measure had worked in the opinions of the great mercantile body of this metropolis. As a result of that change, he anticipated that a similar effect would be produced on the opinions of the great body of the people of England. Whilst he expected that great good would be accomplished by the passing of the bill, he would not conceal from their Lordships that he anticipated that all these prejudices would revive, not only in full force, but also with tenfold vigour, in case it were rejected. The people of England would say to the heads of the Church, " You held out to us such and such expectations, and now that the pressure upon you is over, you make no scruple to disappoint them." Whilst upon that point he must be permitted to make a passing remark on an observation which had fallen from both the learned counsel who had appeared at their Lordships' bar. He had heard so much to admire in the learning and eloquence of those distinguished gentlemen, and had observed with so much delight the great delicacy with which they had conducted their general argument on this important subject, that he could not but entertain deep regret when he heard them use the expression—" The storm has now blown over." Could any of their Lordships, after hearing what had been said on that subject by the noble Viscount who had that evening spoken first upon it, be insensible to the force and efficacy of his arguments? How could such an idea be entertained by the learned counsel at the bar, that the Ecclesiastical Commissioners had made a capitulation, and were now to break it because the danger was over! But the fact was, that the commissioners had made no capitulation. This was a measure which the commissioners had resolved on, taking everything into consideration—yes; taking into consideration the necessities of the Church, and finding that this sacrifice was the only means by which those necessities could be relieved. It had been supposed that the commissioners acted under the influence of terror. Undoubtedly they had seen danger, and had felt it to be their duty, if they could, to remove it. They saw danger, not in the excitement of the moment, not in the passions of the hour, not in transient causes, but in causes which had taken deep root in the public mind, which were then powerfully operating upon it, and which would always, to a certain degree, continue to operate upon it, but in a greater or smaller degree as proper concessions were made or refused by the Church. They sought to remedy the destitution which prevailed, and at the same time to secure the Church, and all the establishments connected with the Church, which would undoubtedly fall along with the Church if by any fatality it should be overthrown. They saw that a mere nominal reform would be at once unsafe and unsatisfactory. They therefore looked at the permanency of what they were about to do. They had therefore consented to reduce the cathedral establishments of the Church to the lowest condition they could bear consistently with the objects which they had in mind—namely, the performance of her duties by the canons, and the sustentation of her venerable fabrics. He believed that the measure which they had framed for that purpose was good in itself, and further he believed that, as the first reforms recommended by the commissioners had already obtained the approbation of the public, the time would come, and that shortly, when the prudence of the commissioners would also be extolled for having recommended this measure to the notice of Parliament. It had been said, that the deans and chapters throughout the country were opposed to it. Nobody could contradict that assertion. But he had said on a former occasion, and he repeated the assertion now, that he did not think that the clergy generally were really adverse to it. He knew that their Lordships had had many petitions presented to them against the measure, but then the question involved in it had never been fairly brought under the consideration of the clergy. The commissioners had been attacked on every side. They had been assailed by argument, by ridicule, by misrepresentation, and by mis-statement, of facts — in a word, by every artifice which learning and ingenuity could resort to. But the clergy had never heard the case of the commissioners fairly stated, except in the charges of one or two prelates, which had, nevertheless, not met that general perusal which their contents deserved. He had stated the other day that he did not believe that the clergy of his diocese were adverse to this measure. His statement of the opinions of his clergy had since been contradicted. He again repeated it. He had come to that conclusion from the conversations which he had held with a variety of clergymen in his diocese, and he had no reason to suppose that it was erroneous. There had been petitions signed by some of his clergy against this measure, and that from the influence of one individual who was adverse to it, and who had great weight with the clergy in the neighbourhood of his residence. A rural dean had recently called upon him and told him that a great number of petitions against this measure had been sent to him for signature and for distribution among the clergy of his deanery. He said,

> "I have every respect for my archdeacon, but nevertheless, I did not choose to sign the petitions, and therefore I told the clergy of my deanery that I would not circulate the petitions, and they told me in return that I did quite right."

He would just state to their Lordships a specimen of the manner in which the petitions against this measure had been got up. A clergyman who was very much opposed to the bill had sent his curate round among his parishioners to procure their signatures to petitions against it. Twelve clergymen in his diocese had said that they would sign a petition against it if Dr. Such-a-thing would sign it; but Dr. Such-a-thing refused to sign it, and then these clergymen also refused. Had he not then a right to say that the clergy of his diocese were not adverse to the bill? If they had come to him and had asked him whether they should petition in favour of it, he should have said to them, "No; don't petition, leave it to the wisdom of Parliament." On the other hand if they had asked him whether they should petition against it, he should have said to them, 'Do as you please." If it were necessary, he could point out one clergyman in his diocese who had influenced many persons to petition against this bill. He did not wish to undervalue the petitions of the clergy, but this he must say, that petitions were only valuable in proportion as they were dictated by intelligence. He must likewise observe that the clergy had never had this question fairly before them. They had seen it misrepresented in newspapers and pamphlets, and some of them had become excessively alarmed at what they conceived it erroneously to be. He had received from some of his clergy letters of remonstrance as to the violation of his oath as Archbishop of Canterbury, of which they asserted that he would be guilty in supporting a measure which would deprive the cathedral of Canterbury of its rights of property in its stalls and in their revenues. Now, he believed that the oaths taken by the clergy on entering office were taken in subordination to their higher duties, and to their obligations to the laws of their country. He believed that it was provided that oaths of that kind left every one at liberty to do his duty, and to speak his mind as a subject of the realm, and to deliver his sentiments as a Peer of Parliament, and to advise his Sovereign, if he happened to be a Privy Councillor. He believed that such an oath as he had taken as Archbishop of Canterbury did not interfere with any of the duties which he had just mentioned; nor could he believe that an oath was taken either by himself as Archbishop or by others as prebendaries in any other sense save in accordance with these duties. As for himself, he did not think that because he was visitor of the cathedral of Canterbury he was on that account precluded from giving his vote in behalf of a measure which was necessary to the support and preservation of the church and of that establishment of which, under God, he was one of the heads. He could not suppose that any rational person would think him so precluded. Their Lordships should hear the oath. In his case it had been taken by proxy, which he considered to be equally binding upon him as if he had taken it himself—

> "You swear in the name of William Howley to maintain the rights, liberties, and privileges of this Church, and to observe all the approved customs thereof, and to cause them to be observed by others, so far as such customs are not repugnant to God's holy word, to the laws of this realm, and to his Majesty's prerogative."

That was the oath which he had taken. Now, all the rights, liberties, and privileges of the Church of Canterbury were embodied in the statute, and it was to the observance of their statutes that he was bound; those statutes involved a number of canons. By that oath he was bound to defend the rights, liberties, and privileges of the Church of Canterbury against all unlawful obligations. But that oath, according to the statutes themselves, did not prevent him from either proposing or supporting an alteration in them. Those statutes of the Church of Canterbury were of very recent date. They were drawn up in the time of Charles 1st, by one of the most illustrious of his predecessors, Archbishop Laud. The statutes and customs at that time differed from each other, and Archbishop Laud and the Church proposed to the King an alteration in the statutes to reconcile those differences. Their request was granted, and the present statutes were in consequence drawn up. But was there any such peculiar sanctity in Archbishop Laud's statutes that they were never to be altered? Those who drew them up thought that they might be altered, and a right was absolutely reserved to the Crown to alter the statutes, or to make new ones, if new ones should be required. It might appear to some that a question then arose, whether the visitor was precluded by his oath from advising his Sovereign to make such an alteration. Was he to be considered guilty of perjury, if he gave such advice to her Majesty? And if the statutes were altered, was he to be reduced to the distressing alternative, either of disobeying his Sovereign or of breaking his oath? If he disobeyed the Queen, he clearly broke his oath, because the statues so altered were to be as binding as the old statutes, and obedience was to be transferred to the new statutes. He had intended to have said this on a former occasion, in order to show that he had a right to advocate this measure, even though its tendency were to alter the statutes of the Church of Canterbury. He repeated that he felt confident, if this measure were passed into a law, in future times it would not be a blot on the history of Parliament, but that the proceedings of the commissioners and the propriety of their recommendations would be universally admitted. They had sacrificed their time and labour and patronage in bringing about this measure. Looking at the amount of patronage (always a desirable thing) which had been sacrificed by her Majesty's Government in order to carry this measure—looking at the sacrifices which had been made by the Archbishop of York and the Bishops of London and Lincoln, to an immense annual extent, in giving up their smaller prebends, he reiterated the opinion which he had already expressed. Was it that they had no friends to serve, no clergy to remunerate? No; but because they knew that the good of the Church required it—that in sacrificing their own immediate feelings and interest, they were securing permanency to the establishment, and performing a duty for which they could consider no sacrifice too great. He felt quite sure that neither the Government nor the Prelates would have any reason to regret these sacrifices. While he maintained the general expediency of the bill now before their Lordships, he thought that there were certain parts of it which might require amendment, and certain improvements which it would be desirable to introduce. He had presented several petitions praying for the maintenance of these spiritual offices, even though the property should be alienated. What he would propose was, that every bishop should have the power of appointing a certain number of honorary canons, and of giving them places in the choir, but without any share of emoluments, and that he might bestow those places upon those who had given him important assistance in regulating the affairs of his diocese. Perhaps it might be all the better that they should hold these places without emolument. It was important that another provision should be introduced into the bill, but he was not prepared at this moment to state how, for the distribution of the money received. It must never be lost sight of that the great object in appropriating these monies, was to relieve the great destitution which prevailed; yet at the same time they must have reference to the local wants. There were large agricultural parishes which were very inadequately provided with the ministration of the Church, and these it was but proper that they should consider. It was almost impossible for the commissioners themselves to determine the relation which the local claims should bear to the general fund. All the bishops would be members of the commission, and each would very naturally be anxious for his own particular district. In his opinion it would be better if a certain proportion were allotted to the general fund, and a certain proportion to local wants. The wants of the agricultural parishes could never stand in competition with those places in which destitution of a far more lamentable character prevailed. With regard to sinecures, which were abolished by a clause in this bill, this abolition would probably in many cases give rise to great discontent in the country. Many of these sinecures were held in conjunction with vicarages, where the addition was needed; and the abolition would in such cases give rise to great inconvenience. It was so also in the case of curacies to which sinecures were annexed. His advice would be, that where a *bonâ fide* surplus was found to exist, it should form part of the fund to be distributed for local purposes. There were some remaining points upon which he must consult before forming any determination. He had nothing more to offer to their Lordships at present, but to repeat his conviction that the commissioners had acted under a deep sense of duty, and had done all in their power for the real benefit of these institutions.

Lord *Lyttleton* rose to protest against the bill. He readily admitted that the question was one of great extent and difficulty. He would take no exception to the composition of the ecclesiastical commission, nor at all object to the right of the Legislature to deal with this revenue. He would take narrower ground, and show that these chapters had functions, vested in them by various statutes, essential at all times to be exercised, and most essential at the present time. What he held to be necessary was to revive and enforce these duties upon them. This was an argument which might be urged even on expediency alone. The powers to which he referred were inherent in these bodies, they were implied in their statutes, and, though dormant for a considerable period, they were plainly imbued with a spirit of vitality. This was the ground which had been taken in a very able pamphlet by Mr. George Selwyn, and it was strongly confirmed by many of the views put forth in the Rev. Sydney Smith's writings. In the statutes of the cathedral of Ely, he found the canons existing as an independent body—*Statuimus canonicos, cum aliis, constitui in ecclesiâ cathedrali.* In earlier times, before the Reformation, the canons were responsible for the superintendence of the clergy. This portion of their duty was performed by the archdeacons. Let it not be said in reply, that there were archdeacons still. Those of earlier times were very different from the archdeacons of the present period. The number was proportioned to the size of the diocese, and they were always members of the chapter — two very material differences. Besides being made responsible for the government of the diocese, an appeal from the whole diocese was vested in them. He held that these duties ought to be enforced at the present time. He was not now pleading for the sinecures of the Church, but for the fitting discharge of substantial and important duties. It had been observed by Mr. Sydney Smith that the canons had been made by the bishops to appear as counsel for the delinquent clergy. This was to a great extent true, and a learned civilian had so stated before the Long Parliament. He held, that with proper regulations, the chapters would constitute a very fitting body to assist the bishop in the exercise of his ecclesiastical jurisdiction. This was one of the very points which had been most contested by the Puritans; and had the answer of Charles 2nd been adhered to by that monarch, very many of them would have returned to the bosom of the Church. That answer was, that "no bishop shall inflict any censure without the assistance of his presbytery." The only chance of approaching to union between the Church of England and the Church of Scotland would, in his opinion, be by restoring the original powers of the bodies with which this bill proposed to deal. In regard to education, those bodies had exercised a most beneficial influence; and in respect to education, there was one particular point to which he wished particularly to call the attention of their Lordships—namely, the education of the clergy. The education of the clergy had ever been one of the main objects of those bodies, and he thought they might still be made conducive to the attainment of that purpose. He would submit to their Lordships that the superintendence of education generally ought rather to be vested in those bodies than in local boards. Their Lordships would also bear in mind that those bodies were instituted for the purpose of keeping up daily worship in the cathedrals; and they would consider whether the decrease in the number of the chapters would not tend seriously to impair their efficiency as regarded this particular duty. The cathedrals had also been considered as retreats for learned men, and it was well known that persons remained for a long time in the universities as tutors, in expectation of obtaining cathedral preferment. It was said, in justification of this measure, that there were great wants in the Church; what were they? The great want was, that the Church should be felt as a living power, and that she should be in a state of complete organization in all her parts; and that unity and organization could not be obtained unless these bodies to which he had been alluding were restored and rendered efficient for the purposes for which they were originally intended. He contended that the number of canons in each diocese ought to be in proportion to its extent. The noble Viscount near him had said, that the duties to be performed were worthless and unfit for those bodies; but he submitted to their Lordships that the duties performed now were not those originally intended to be performed; and what he contended for was, that the cathedral establishments should be made efficient for the objects for which they were at first established. The most rev. Prelate thought that this bill would be advantageous as setting a good example, but he could not imagine that a measure of confiscation like this could have any good effect. If this bill was to be passed, there was one further consideration which he was anxious to press upon their Lordships. Parliament might have the right of dealing with the revenues of the Church, but he must utterly deny the right of Parliament to destroy the offices themselves to which those revenues were attached. He should certainly, therefore, endeavour during the progress of this bill to have it altered so as to preserve the offices, even if the revenues were taken away. The measure had been introduced by those for whom it was impossible not to feel the greatest respect, and to whom the sincerest gratitude was due; but, looking at the measure itself, it was little consolation to know that it had been recommended by those who were to be considered as the natural defenders of the Church. For himself, when he saw this base act of confiscation, he would not tremble for the Church, but for those who did the wrong, and for the age which could sanction it.

The Earl of *Harrowby*, having been personally alluded to by the noble Lord who had just sat down, felt called upon to address a few observations to their Lordships in reference to the opinions which he had formerly entertained on this important subject. It was true that he had published a pamphlet thirty years ago upon this subject, which then engaged very little attention, either on the part of Parliament or the country. This pamphlet, however, was a strictly private communication, addressed to Mr. Percival, with whom he happened to be politically connected, and whose friendship he regarded as a great honour. So little did he consider this slight sketch to be worthy of public notice, that he was only induced to consent to its being published in an anonymous form. Great exertions had been made by Mr. Percival to devise a scheme for the provision of sufficient funds for the erection of places of public worship, and for increasing the incomes of poor ministers; and, at his request, he devoted his particular attention to this subject. He found the task a very appalling one when he came to appreciate the amount of money that would be required adequately to supply the want, and he was very anxious to see this burthen press as lightly as possible upon the public. In looking to the means which the Church itself possessed, he had no intention generally to abolish the chapters; but to make use of the power possessed by the Crown of enforcing the useful employment of the livings belonging to them, With regard to the right of Parliament to interfere in the matter, that was a point which he would not debate at the present moment. He could not help remarking, however, that it appeared to him that the learned counsel who had displayed so much ingenuity and research on this subject at the bar, had confounded the judicial functions and powers of the House with those which were of a legislative nature, and which were wholly distinct, and unfettered by the same rules and restrictions. He believed it was generally admitted that the rights of property of every kind subsisted entirely by virtue of a convention of society, and ought to exist only for the benefit of society. Parliament, in abundant instances, had exercised a right not of alienating or confiscating the property of the Church, but of disposing of it under such restrictions as were considered better adapted to fulfil the objects with which that property was originally given to the Church. It was only last year that a bill was passed, almost without opposition, altering the disposition of the revenues of the Church, in a manner which it was conceived would conduce to the advantage of the Church, and the better fulfilment of the objects with which it was endowed. Now, it might be asked, what right had Parliament to call upon the Bishop of Durham to contribute to a fund out of which the Bishop of Exeter was to be supplied with an addition to his revenues? But the right of Parliament being admitted and acknowledged to apportion the revenues of the Church in such a manner as they considered most conducive to the strength and efficiency of the establishment, and most consistent with justice and sound policy, in what, he would ask, did the present measure exceed the principle which had so been admitted in the measure of last year. Was it conducive to the interests of the Church to allow a great number of parishes to remain in a state of spiritual deficiency? Was it not, on the contrary, a great incentive to that dissent and alienation of feeling which was so much lamented? Before the Church called upon Parliament for any additional funds, he thought that it should be made clear that the Church, by a proper distribution of the property already belonging to it, had done as much as it could to remedy the destitution and evils of which it complained. With respect to the provisions of the first measure, he thought that after the reductions which it proposed to effect in the dignitaries of the Church, there would still remain sufficient to fulfil the objects for which they were established. There would be twenty-six bishops at 4,000*l.* and 5,000*l.* a-year; twenty-six deans at a minimum of 1,000*l.* a-year; 104 canonries, at a minimum of 500*l.* a-year; and 1,600 livings, exceeding 500*l.*; whilst there was a great and undue number of poorer livings, diminishing to 80*l.* and 70*l.* a-year. Let any one compare these endowments with any other liberal profession, and it would be found that the Church did not at all suffer by the comparison. Taking the army, for instance, he found that amongst a hundred regiments there was not distributed more than 200,000*l.* to the officers. There had recently been 133 officers promoted by brevet at a cost of 47,000*l.* And whilst considering these accounts, it should be borne in mind that these officers had paid 210,000*l.* for their commissions. Compared with the army, therefore, he did not think that Church dignitaries could complain of being ill-paid.

The Earl of *Devon* considered this to be a measure of deep importance, and he confessed, that his opinion of its grave and paramount importance had been greatly increased by the course which this debate had taken. Their Lordships had been distinctly told if the Government of the day happened to appoint a commission, and that commission expressed an opinion that a great and important change ought to be made in any of the ancient institutions of the country, by which a great mass of property would be taken away from a large body of men connected with that institution, it was one of the functions of the Government to act upon the opinion so expressed. Their Lordships had been told, that the recommendation of the commission was a sufficient ground for them to interfere, without having before them one tittle of evidence upon which that recommendation rested. If it were possible that he could yield to any authority his noble Friend near him (the Earl of Harrowby) and the most rev. Prelate and right rev. Prelates who were members of the commission might be assured that he should be as ready to yield to their authority as any man; but he could only act after seeing what the nature of their recommendations was, and after endeavouring to ascertain what were the grounds on which those recommendations were founded, and if he found that the evidence did not support the conclusions to which the commissioners had come, he felt it his duty to oppose the measure come from what quarter it might. He first looked at the report, and found nothing said as to the nature of the duties of the commissioners. He then looked at the commission itself, and he found, that the commissioners were "to consider the state of the several cathedrals and collegiate bodies, with a view to render them conducive to the efficiency of the Established Church." Having read these words, his first impression was, that he should find in the report some suggestion as to the manner in which these cathedrals and collegiate bodies could be made to contribute to the benefit of the Established Church, and the evidence supporting that suggestion. The commissioners were required to make a minute and searching inquiry. Had they done so? If they had not, he did not think their Lordships would, upon the mere statement of the commissioners contained in their report, without any proof of their having made such a searching inquiry as was necessarily required in order to fulfil the intention manifestly contemplated by the commission, feel disposed to adopt one of the strongest measures ever proposed to Parliament. If they had made the inquiry, it was still more extraordinary that their Lordships should be called upon to legislate upon the subject without having any evidence whatever of the nature of that inquiry before them. Many commissions had of late years been appointed, and many important alterations in the law had proceeded from the recommendations of those commissioners; but in every one of those cases their Lordships had had distinctly laid before them the grounds and evidence upon which the commissioners founded their recommendations, and thus they had an opportunity of judging of the validity of those grounds. But in this case there was not a scintilla of evidence in support of a measure which dealt with a large mass of property. It had been observed, that "the power of the state was bound by moral considerations, and that the state must act according to justice." But who was to judge, in this case, of that which was considered by the commissioners as justice? He was quite aware that there might be circumstances in which this supreme power of the state to interfere with the rights of property might be justified, but it was the duty of the Legislature to inquire into the ground of that interference. The Legislature was bound, when dealing with cases of this description, to observe the rules and precedents that might be collected from analogous cases, and was not justified in setting itself up to make a precedent, except in extreme cases of state necessity; but this was not an extreme case, and did not justify the Legislature to interfere with a large mass of property in a manner so unprecedented and dangerous. The effect of this bill would be to deter men from ever again appropriating any portion of their property to the purposes of promoting the interests and the religion of the established church. He admitted that the evil which this bill was intended to remedy existed; he admitted also that it became the church to make a sacrifice to meet that evil; but this bill would deny them the opportunity of doing so. It undertook to do the thing for them. Every man who had read the report must feel that the commissioners had prejudged the question, and that circumstance alone entitled it to less respect as an authority. Those of their Lordships who voted for the second reading would assert as a fact that the endowments which were about to be suppressed were larger than necessary, and that the means thereby obtained could not be employed in any way connected with these cathedral establishments more consonant with the will of the founders, and this their Lordships were called upon to assert without any evidence whatever. Not one reason had been given why this government plan for the department of the endowments should be preferred to a different plan than had been suggested, except that the former would obtain a few thousand pounds more than the latter. He considered the good of religion required the preservation of cathedral endowments. He knew many clergymen who were encouraged to discharge their parochial duties by being connected with the cathedral establishments of the country; and he believed it would be advantageous to the character of parochial clergymen, and add to their efficiency, if these prebends were retained, even although the ordinary endowments were taken away. If their Lordships looked back, they would find that they were acting without precedent, and if they looked forward, they must feel that they were going to set a most dangerous precedent.

The Bishop of *Gloucester* hoped their Lordships would allow him to endeavour to satisfy the noble Earl with respect to one particular ground of his complaint against the present measure—namely, that it proceeded without sufficient inquiry. The noble Earl had said that the commissioners had not, so far as their Lordships were aware, made any inquiry or examination into the spiritual wants of the parishes, and into the circumstances of the chapters which this bill affected. This must be a misapprehension. The noble Earl would probably recollect that as long as five years ago there was a very ample statement made of the ecclesiastical revenues, including these chapters and every benefice, great and small, in the kingdom, accompanied also with a statement of the population of the respective parishes, and the patronage they were under, and other circumstances. The commissioners availed themselves of this and of many other particular inquiries which they made into the circumstances of the several cathedral bodies in the kingdom. The result of those inquiries had not only been placed before the House, but before the world, in various popular publications. Many of the almanacs had detailed circumstances of this description. Whatever other imputation, therefore, might be laid on this commission—and it had more than its share—an imputation could not be sustained, that they did not make sufficient inquiry into the matters that came within the duties of the commission. Their inquiries were long and laborious, and exceedingly minute. He was most anxious to clear himself from the charge brought against him as an episcopalian member of that commission. Their Lordships had already heard from the most reverend Prelate—that the episcopal commissioners had violated the solemn engagement they made when they took their respective sees—that they would maintain to the utmost the rights, liberties, and privileges of the cathedral churches as far as they were not inconsistent with the word of God, and with the laws and statutes of this realm. One part of this imputation had been sufficiently answered by the most rev. Prelate. It was made the subject of a publication, which abused the commissioners personally. He read it long ago; but it was mixed up with a multitude of calumnies, and came from a quarter he should hardly like to allude to. But it had shocked him to find in a publication which had been placed in his hand that day, that that accusation had been adopted in its severest form by one of their own order. To him and to all others he gave the fullest credit for their sincerity, but he repudiated the imputation that had been cast upon him. He felt the solemn engagement which he had entered into to maintain the rights and privileges of his own cathedral church; but he asserted that the present bill did not touch one of them. The property of that cathedral church would remain as it was intended, and on a much better footing, if the recommendations of the commissioners should pass into a law. It had been asked by a noble Earl why the commissioners had neglected that part of their duty which related to the ecclesiastical duties connected with the cathedrals. But they had not neglected that part of the inquiry; for in the present bill there were provisions which would place cathedrals on a better footing as to the chapter duties than they were before. Counsel had said, that the bill dissolved the minor corporations in the same way as Henry 8th did, accept that he alleged, while they gave no, reasons for doing so; but the fact was, many of those functionaries had petitioned their Lordships to pass the bill, and the commissioners had recommended that the minor canons should be merged into the larger ones, because in that case the minors would be better paid. He lamented that the circumstances of the Church and of the country required the suspension, or rather the suppression, of so many canonries. He knew very well that the learned counsel, to whom they had listened with so much pleasure, had said that the worst parts of the existing interests were preserved under the bill. They had said that Parliament had no right to suppress these bodies at all, or if they had the right they could exercise it at the present moment; but if they had not the right to suppress them, they had no right to prevent appointments being made to them in future. But suppose the commissioners had recommended that canonries should all be suppressed, what an outcry!—what lamentations would have been heard!—that they were depriving pious men, in the decline of their life, of their means of support. With regard to the commissioners, he begged to remind their Lordships that they were not self-appointed, and that from their minute inquiries their Lordships had learned the extent of spiritual destitution, which went far beyond what the imagination could have represented—so great, that they felt called on to recommend a measure to relieve it. Their Lordships would observe that the greatest wants of clergymen was in the manufacturing and great towns. Now, very few of the chapters were richly endowed in those districts where relief was most wanted; so that the plan proposed by the learned counsel, of limiting the operation of the surplus funds to the same district or parish as that in which the cathedral was situated, would not be able to relieve the pressing wants of those who were destitute of religion. The cathedrals of Chester and Ripon, were the worst endowed, yet they were in the districts where the greatest destitution prevailed. The cathedrals held property in various parts of the kingdom; that of his own diocese drew its revenue from as many sources as some of their Lordships did their rentals. It had seven or eight separate estates, and the whole income amounted to between 1,200*l.* and 1,300*l.* He was quite sure, that if the commissioners had neglected to recommend a substantial measure for the relief of the spiritual destitution, or had they allowed the property of the Church to remain as at present, he was perfectly persuaded that the strong feeling which had arisen in favour of the establishment would not have come into existence, and that their appeals to the country for support would have been utterly fruitless. However that might be, he felt that the commissioners had done their duty to their Sovereign to the Church and to their God.

The Bishop of *Salisbury* trusted that this would not be made a party question, but that their Lordships would exercise their own judgment and discretion in dealing with the bill. Having witnessed the reformation of their civil institutions he was by no means ignorant that such a reform brought with it a like reform of the polity and outward frame-work of the Church as it stood connected with the State. Such a reformation of the ecclesiastical establishment he had always desired. Although the commission was not framed in such a manner as to preclude objection, yet it was composed of persons in whom the Church could place confidence, and whose recommendations they trusted would be for the benefit of the Church. He would not oppose the present measure on the ground that reform was less necessary in the cathedrals than in the other parts of the establishment; for, although there had been no charges brought against them, yet he admitted that it was but incidental to ancient establishments to deviate from the purposes of their founders. The present measure, however, had not for its object the removal of any abuse; but in professing to reform one part of the ecclesiastical constitution it disposed of much of its property, while in another part of the Church it conferred benefits altogether incommensurate. He could not help thinking, that it would have been a wiser course, instead of destroying to have reanimated those old institutions. He had had many opportunities of hearing the sentiments, not only of the clergy, but of the people generally on this subject, and his impression was, that if the commissioners had laid themselves as open to suggestion, or had been operated on as freely by circumstances as the community had been, their Lordships would have had a measure to which they could have given their unanimous consent. One of the great objects, if not the chief object, for which the royal commission was issued, was to ascertain the means by which the cathedral establishments could be rendered more conducive to the efficacy of the Established Church. Would that object be in any way achieved under the operation of this bill? The commissioners appeared to have limited the view which they took of the duties imposed upon them almost exclusively to two objects, first, the maintenance of the fabric of the Church, and secondly, the performance of divine worship. Without entering into details, which would be more suitable to the committee, he would merely observe, that the measure now introduced did not appear to him to be calculated to effect the two objects which the committee had in view. Confining himself to his own cathedral, he might remark, that as far as the support of the fabric was concerned, if the bill had been brought on in exact conformity with the recommendations of the commissioners, there could have been no alternative, but that that building should fall into immediate and rapid decay. Fortunately, however, some clauses had been inserted, which had the effect of mitigating in some degree the severe and rigid suggestions of the commission. Upon this point he must bear his testimony to the great fairness, candour, and courtesy with which the noble Viscount (Viscount Melbourne) had listened to all the representations that had been made to him. But even now the funds that would be provided for the repair of his cathedral would fall short of the very moderate means at present enjoyed by the establishment for that purpose. Then with respect to the performance of public worship, he might observe, that it had been universally held by all those bodies, that the constant presence of some of the dignitaries of the cathedral establishments was essential to the due and suitable performance of the duties of public worship. But this bill proposed to cut down the number of canons residentiary in all cathedrals to such a minimum as would admit of one only being resident at the same time. It assumed that one would be sufficient. It limited the whole number of canons to each cathedral to four, and the chapter of Canterbury had said:—

> "We have had at the same time four prebendaries, of whom two were more than seventy years of age, and two more than eighty, and one was such an invalid as to be incapable of duty. What would have been said if we had been limited to those four, with regard to the manner in which the service of the cathedral was performed."

The bill insisted that one should at all times be in residence. But suppose that one should be sick—how then was the service to be performed? But independent of this reduction of the resident dignitaries, the effect of the bill would be to take off nearly the whole of those whose duty it was to preach the word of God. Surely, with such enactments as these, it was difficult to say, that the bill provided in any way for the better and more effectual performance of the services of the Church. But though the commissioners had limited their views to these two objects, were they in fact the very purposes for which cathedral establishments were instituted? He maintained, that the higher preferments afforded by these establishments supplied a material deficiency in our universities, by affording a stimulant to the acquirement of theological learning, similar to that which was found in the scholastic professorship of other countries. The most valuable works in that section of literature had been composed and written by persons after they had been preferred to those offices which the bill proposed to reduce or to destroy. The Scotch Church could not bear a comparison with the Church of England in this respect, for whatever was valuable in theology and divinity in Scotland had emanated from persons connected with the universities, and not from divines holding ecclesiastical offices. It had long been a subject of complaint, that the theological course in our universities was defective. At Oxford he believed it consisted of only twelve lectures. Exertions were now being made to supply the defect of elementary instruction in theology. Schools of theology and pastoral training had been established in the dioceses of Bath and Wells, and Chichester. That was a reform entirely in accordance with the spirit of the institutions which the present bill proposed to deal with. The passing of the measure would abolish those schools, and make it impossible to carry into effect the original end of their institution. He could not consider any bill a sound measure that overlooked an end so important as the establishment of efficient schools for the instruction of those who were to be called to the high duties of the ministry. When their Lordships were called on to abolish so many offices of emolument connected with the Church, they ought to look at the new places of emolument which were continually added to the profession of the law. During the last few years it was true, that a considerable number of places had been added to the Church, perhaps not fewer than to the law, but they were not places of honour and emolument, but, on the contrary, were of small value, obscure note, and brought with them duties of the most laborious character. He inferred, that if these establishments were reduced, the inducement to enter the service of the Church would be materially diminished. When a measure, hardly more sweeping in its nature than that now proposed, was introduced into the Long Parliament, the number of students in divinity at the universities rapidly declined, and became at last comparatively insignificant. He feared that the same results would follow now. He was informed, indeed, that already, owing to the agitation and uncertainty which for some years had prevailed upon this subject, the number of students in divinity at both universities had been considerably reduced. He did not oppose this bill from any wish to retain abuses, or to oppose useful reforms. Nor did he oppose it from any personal motive, for the bill as it now stood would largely increase his patronage, but it would be at the expense of those whom he could not consent to spoil. His motive for opposing it was based upon a conscientious desire to promote the good of the Church of which he was an ordained minister, and the prosperity of an institution which he was bound by the most sacred duties to maintain and protect. Would to God that this measure might yet meet with the consideration which was due to it. Willingly, he was sure, would his right rev. Brethren join in consultation with the most rev. Primate and the members of the cathedral establishments themselves, in order to devise some sound and practical reform which, whilst it tended to preserve the integrity of these ancient and venerable institutions, should operate at the same time to render them more efficient for the purposes for which they were designed. If the most rev. Primate and the members of the commission would consent to enter into such a consultation, haply they might together devise a measure of reform really deserving of the name—a measure for each separate establishment, such as to each was most suited—a measure which would make these cathedral institutions not only the ornaments, but the strength and puissance of our establishment—which would make them instrumental in giving us an united and well-governed Church — a learned and pious ministry—a people educated to do their duty to God and man—a measure in passing which, with the unanimous consent of their Lordships, they might feel that they were indeed fulfilling the pious wish of their Sovereign, by making these establishments more conducive than they now were to the efficacy of the Established Church.

The Bishop of *Lincoln* founded his support of the measure upon the grounds stated by his right rev. Friend who moved the amendment, and by the learned counsel who had addressed their Lordships in opposition to the bill, namely, upon the ground of necessity—the necessity of removing that spiritual destitution which was fraught with so much peril, not only to the Established Church, but to society in general. It was the duty of a Christian Government to remove the spiritual destitution of the people, and he would ask out of what funds was that object to be effected? Could it not be done without laying new taxes upon the country? He should recommend the abolition of all prebends which were not now devoted to the purposes for which they were originally intended.

The Bishop of *Rochester* declared to their Lordships, that his oath as a Bishop would not allow him to support the bill.

Their Lordships divided:—Contents 99; Not-contents 48: Majority 51.

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Bill read a second time.

HOUSE OF COMMONS,

Monday, July 27, 1840.

MINUTES.] Bills. Read a first time:—Regency; Metropolis Improvements (No. 2).—Read a second time:—Civil Bill Courts (Ireland).—Read a third time:—Toll on Lime; Rating Stock in Trade; Municipal Districts (Ireland); Church Temporalities (Ireland); Court Houses (Ireland); Insolvent Debtors (India).

Petitions presented. By Mr. F. Maule, from the Parish of Marnoch, in favour of Non-Intrusion; and from Inverness, against Lord Aberdeen's Bill.—By Mr. Grote, from Inhabitants of London, to reduce the Duty upon East India Coffee proportionably to any reduction on West India Coffee.—By Mr. Baines, from the London Missionary Society, against Idolatry in India; and from Stoke Newington, to the same effect.—By Mr. W. Gladstone, from Clergymen of Ireland, for Payment of Arrears of Tithes.—By Mr. Sheil, from Medical Practitioners of Roscrea, and Nenagh, for increased Remuneration to Medical Witnesses.

IDOLATRY IN INDIA.] Sir *R. Inglis,* having presented petitions upon the subject of Idolatry in India, said he would take that opportunity to put the question on this subject, of which he had given notice, to the right hon. Baronet, the President of the Board of Control. The right hon. Baronet, on the 26th of July, of the year 1838, said, that as far as it depended upon himself, he thought the time had arrived for the discontinuance of the connexion of the East India Company with the system of idolatry. The right hon. Baronet had stated that an official representation should be sent out, such as would render it impossible for any functionary in India to make a mistake. He wished to know whether such a despatch had been addressed to the government of India—what was the result of such despatch at the different presidencies—whether it had worked well at the Bengal presidency, and worked differently at Madras? And, if so, whether any censure had been passed upon the government at Madras, and whether measures had been taken to stimulate that government to the performance of its duty? And the last question he had to ask was, whether the right hon. Baronet would feel it his duty to give to or withhold from the House a copy of the despatch addressed under his sanction by the East India Company to the respective presidencies?

Sir *J. Hobhouse:* In answer to his hon. Friend's first question, he could tell him, that not ten days had elapsed after he gave the positive assurance mentioned, ere he did his best, as far as he was concerned, to carry his wishes into effect. On the 8th of August, 1838, a despatch was sent out from the Court of Directors of the East India Company to the Government of India upon the subject, the concluding words of which were these:—

> "We further desire that you will make such arrangements as may appear necessary for relieving all our servants, whether Christian, Mahomedan, or Hindoo, from the compulsory performance of any acts that may justly be considered liable to objection on the ground of religious scruples."

In consequence of that despatch having been sent to the government of India, and in consequence of several private recommendations made by himself to the government there, Lord Auckland applied himself at once to the subject of the Pilgrim tax. That tax had been abolished last year at Alahabad, and he had the satisfaction of stating, that by the last mail he had received the draft of an act of our Indian government for the total abolition of the Pilgrim tax. In answer to the question whether he had any objection to lay before the House the proceedings of the Government in India, he could inform the hon. Baronet that not only had he no such objection, but he should think it his duty, not only for the satisfaction of the curiosity of his hon. Friend and others, but in justice to the Governor-general of India. With respect to the other question, as to the government of Madras, it was his duty to inform the House that the Governor-general of India had addressed instructions to the minor presidencies of Bombay and Madras, in order to effect the objects that had already been brought about at Bengal. He had received a private communication upon this subject from the Governor-general, from which he would take the liberty of reading an extract. Lord Auckland, in a letter dated March, 1839, and which was half private and half public, said this:—

> "I know nothing, in Bengal, of such processions as those which the Bishop of London alludes to, nor are there any such, as far as I am aware of, in Bombay. It is only at Madras, where there are two or three native princes resident, who have been dispossessed of power, but left with the style and title of Royattes, that any such processions occur. I will write again to Lord Elphinstone on the subject; and I am sure he is working steadfastly, with every disposition to advance as fast as may be honestly and safely ventured."

This was the answer he had to give to his hon. Friend with respect to the government of Madras. It was his duty, however, to tell the House that information had reached him which satisfied him that the governments in India were carrying into effect the wishes of the home authorities. Before he sat down, he might as well inform his hon. Friend, that there was greater difficulty upon this subject in the way of the government of Madras than in that of the other presidencies. There were in the presidency of Madras many pagodas, having large revenues; and in order to prevent those revenues from being applied to objects other than those which the founders intended, the collection of them had in many cases been taken from the natives and given to British subjects. It had occupied the anxious attention of the Government how best to transfer the care of these endowments from British subjects to natives, without suffering them to be diverted from the charitable purposes for which they were intended. That was the real difficulty that prevented the adjustment of the question in the Madras presidency, and he hoped that the Government would soon be able to overcome it. On the subject of the attendance of troops at idolatrous processions, he would not trouble the House, as by moving for papers he could convince the hon. Baronet, that the apprehensions entertained by him on this subject were not altogether well founded. The chief complaint related to the attendance upon the Rajah of Travancore, when he went on certain occasions every year to the pagoda of Travancore, and when British troops, as well as native troops, were drawn up to do him honour. He had received a private assurance from the officer commanding those troops, that they did not suppose, they were drawn up to pay honour to an idolatrous or religious ceremony, but merely as an escort for the Rajah. They were not permitted to enter the pagoda, or sacred precincts; on the contrary, they were kept at a considerable distance, in order to show, that they had nothing to do with the religious ceremonies. He would take an opportunity of moving for papers, which he was sure would convey a satisfactory answer upon all the points to which the hon. Baronet alluded, and at all events he trusted, that the fact of so much having been done would be taken as a guarantee, that they meant hereafter to proceed in the same course, until they had accomplished the object they had in view. He would move for the papers in a day or two.

Sir *R. Inglis* said, that nothing could be more satisfactory than his right hon. Friend's answer as respected the two presidencies of Bengal and Bombay, and he trusted, that it would be equally satisfactory in another year as far as related to Madras.—Petitions laid on the table.

SUPPLY—FOREIGN DEPARTMENT—QUADRUPLE TREATY.] On the further consideration of the report of the committee of Supply, and on the resolution, that the sum of 127,234*l.* granted to defray the salaries and expenses of the Foreign Department, be reduced to 103,234*l.*

Mr. *Goulburn* said, he was glad that the discussion that had taken place on this subject, and the delay that had occurred had been productive of such good effects. He still thought, that a greater reduction might be made in the expenses of the Foreign Department.

Viscount *Palmerston* had said, when the estimate was formerly before the House, that he was not answerable for it; it had been made by the Post-office, and had been framed on a calculation of the amount of correspondence which formerly took place. The present reduction in the estimate had been made in some degree in consequence of the stricter regulations which he had introduced, with respect to the foreign bags, in which much laxity had undoubtedly prevailed.

Sir *Robert Peel* would ask a question which would not affect the future policy; it was, whether the contingency had arrived which was contemplated in the Quadruple Treaty entered into between this country, France, Spain, and Portugal? Whether the conditions of that treaty had been fulfilled, or whether the treaty was still in force?

Viscount *Palmerston* conceived, that the fair meaning of the parties to that treaty was, an engagement to assist the Queen of Spain through the contest that was then going on between the Queen of Spain and Don Carlos. Substantially he believed that that contest was over. Don Carlos had been expelled from Spain, and no less than 27,000 of his troops had crossed the frontier and were now in France. Virtually then, he said, that the engagement was over; but if immediately the same state of things should arise, the spirit of that treaty would require a recurrence to the same steps as were required formerly; the treaty would, as he conceived, be still in force, and the same parties would be equally bound by it.

Sir *R. Peel:* Then with respect to any intestine troubles, wholly unconnected with Don Carlos, the treaty, he apprehended, was not in operation.

Resolution agreed to.

Supply—Eastern Policy.] On the vote of 2,000*l.* for additional seamen,

Mr. *Hume* had objected to the additional number of men to be provided by this vote, and he now protested against it. If any one would read the papers laid on the table of the House, they would see that Colonel Campbell had distinctly guaranteed to Mehemet Ali the districts which he governed, and yet these seamen were now employed because the noble Lord wished to alter that engagement. He would not divide the House upon it, but he should say "no" to the resolution.

Viscount *Palmerston* would not go into any difference of opinion between himself and his hon. Friend; he would only state one fact. His hon. Friend said, that the papers laid upon the table of the House proved that the English Government had pledged itself to Mehemet Ali to support him in the occupation of the districts committed to his government. He (Viscount Palmerston) wished that his hon. Friend would look at the papers again, because he was satisfied that no engagement whatever of that kind had been made, and that the English Government were not parties to any arrangement with regard to a guarantee either one way or the other.

Mr. *Hume* had not brought down Colonel Campbell's despatch with him, but it was clear there was in it an assurance of the British Government to Mehemet Ali, after the battle of Koniah, that the British Government would support him in retaining possession of the territories, if he would not declare his independence of the Turkish empire. It was evident that the noble Lord had mistaken the purport of his own instructions, and before the House separated, he would bring the noble Lord's letters to the House, and read them.

Resolution agreed to.

Supply—Nelson's Monument.] On the resolution for granting 5,000*l.*, to complete the laying out of the area of Trafalgar-square,

Mr. *Greene* said, that if the Nelson monument were left unfinished, it would be a most unsightly object, and he would, therefore, ask the right hon. Gentleman, the Chancellor of the Exchequer, whether he could assure the House that he would see if sufficient money had been subscribed to complete the monument, with the ornaments, as they were originally represented to the Treasury?

Sir *R. Inglis* begged to be allowed to interpose. If the right hon. Gentleman were called upon to answer the question upon his hon. Friend's statement of facts, he could only give one answer; if the column were left unfinished, he must answer that it would be an unsightly object.

The Nelson committee, of which he had the honour to be a member, had entered into a contract for completing the whole of the column, with its capital and a statue at the top. They had in their hands more than sufficient for this purpose—whether they had enough for all that they would desire to do was another question. But there was no occasion to be uneasy as to the effect of the column when completed.

Mr. *Gally Knight* said, that the Government did not appear to have informed themselves sufficiently as to the probability of the work being accomplished. The estimate was 28,000*l.*, and that sum had not yet been subscribed. The great objection to the present vote was, that, after the Government had agreed to lay out 11,000*l.* for the improvement of the area of Trafalgar-square, the whole work would possibly be spoilt by an erection which the Government had sanctioned by the present arrangement.

The *Chancellor of the Exchequer* would not object to state that any report emanating from a committee of that House should receive his best attention; but at the same time he must observe that he had declared when the committee moved for by the hon. Member (Mr. Gally Knight) was appointed, that the Government had pledged itself that the Crown would give the site, and that he would not be a party to the Crown withdrawing its grant of the site. The only objection, as it appeared to him, that could be made to the course taken by the Government, was, whether it had ascertained that all the subscriptions had been actually made. He could not concur in the opinion that this should have been required. Every one knew that in the case of such subscriptions as this they did not always have the whole amount of the money paid up at once, and he thought that it was not when a monument was to be raised to one of our greatest and best heroes, that the Government should be asked to weigh closely every consideration; and he believed that when the proper time came, parties would not be found wanting to supply any deficiency in a fund collected for this noble purpose.

Resolution agreed to.

Supply—China.] On the resolution that 173,442*l.* be granted for the expenses of the expedition to China,

Mr. *Gladstone* would not allow the present opportunity to pass without calling the attention of the House to, and entering his protest against, the expedition to China. There was now a positive demand on the part of the Government, although somewhat late, for a vote of money in support of an expedition, the objects of which, it was due to the Government and to the noble Lord, the Secretary of State for Foreign Affairs, to say, had been fairly and ingenuously declared. The noble Lord, the Secretary for the Colonies, in the early part of the session, plainly stated that the object of this expedition was threefold:—first, reparation for insults offered to the English flag; second, compensation for injuries inflicted on the property of British subjects; and, third, security for our commercial intercourse for the future. The statement of those objects was a challenge to the House, which he, for one, did not in his conscience feel he should be justified in allowing to pass altogether unnoticed. He would leave to the prerogative of the Crown and her Majesty's Ministers the responsibility of the expedition; he would not determine whether, upon the whole, this was a case which justified its objects; but there was one of the three objects enumerated by the noble Lord, the Secretary for the Colonies, which, if he interpreted his language right, did appear to call for some expression of sentiment on the part of that House—he meant the object of demanding from the Chinese government a full compensation for the opium surrendered in the month of March, 1839. The noble Lord had used the term "compensation for injuries inflicted on the property of British subjects." According to his interpretation, that meant compensation for the surrender of the opium into which they had been coerced. If he were wrong in his supposition that this was the noble Lord's meaning, he would wish at once to be corrected. If he were not contradicted he should assume that he was right in his interpretation. Setting aside the general policy of the war, let him consider what effect the present expedition had upon the opium trade itself. There were very many persons who took an interest in this portion of the question, and it was right that they, at least, should know how direct had been the influence which this expedition had exercised in the promotion of the trade. A very few figures would place the matter in a clear light. At Calcutta, during the October sales, the Patna opium produced 437 rupees, and the Benares opium 413 rupees a chest. Between the October sales and the month of January, it became pretty generally known that hostile measures were to be taken against China.; and in the February sales the Patna opium, which at the October sale produced 437 rupees, rose to 610 rupees; whilst the Benares opium, that had sold in October for 413 rupees, rose to 550 rupees. The amount of the vote which was proposed was 173,000*l.*, but it was said the other evening, that this was a mere mite as compared with what the total expenditure was likely to be, and that possibly the charges connected with the operations would equal this sum. Supposing, however, that the armament should be conducted as cheaply as the right hon. the Chancellor of the Exchequer had given the House to understand—that this should be the cheapest war upon record—what might be the consequence? Pecuniary compensation was demanded of the Chinese; what was to prevent them from saying that they would give the whole of the sum claimed, and afterwards imposing such a tax on tea and silk as should cover the amount? It was the belief of many persons that this course would be adopted, and who, he asked, would then pay for the compensation? The consumers of tea and of Chinese silks, and the British public would be twice taxed, instead of once. They must all feel that the greatest moral responsibility was incurred by those who commenced the war. The cruel waste of human life, the destruction of property, and the deprivation of comfort and happiness which would take place, would demand the most invincible necessity to justify the adoption of such measures as had been commenced. Was there any such necessity in reference to the demand for compensation? Had we any claim to compensation which was founded in justice? It was not his object to cast any blame upon the conduct of Captain Elliott, whose demeanour, in the position in which he was placed, was that only which he could have exhibited, for in March, 1839, affairs had reached such a pass that it was impossible for Captain Elliott, amidst conflicting difficulties, to choose any course not open to just reflection. It was not his intention either to prejudice the character or the name of those merchants who were interested in the opium trade. He said their character, because he thought it would be making a most ungenerous use of the circumstances which had occurred, if he attempted to implicate them in any discredit which might attach to the trade which they had carried on. Their character stood high in the commercial world, and there were many houses among them not surpassed in any part of the universe for honour, integrity, and enterprise; and it had been more their misfortune than their fault that they had been implicated in this unhappy conflict. Nor was it his intention to prejudice the claim which they had made. It would be monstrous to maintain that the opium merchants should be the sole sufferers by the seizures. Their claims for compensation were not advanced against the Chinese government, but against that of Great Britain, and although that claim had been disowned, he must be permitted to say a few words in support of it. The parties interested in the surrender of opium contended, first, that its value was guaranteed by Captain Elliott, and they were, therefore, entitled to the recognition of their claim. He must say, that he could not exactly understand how it was possible for the Government to continue Captain Elliott in the situation which he held, and to give its approbation of the line of policy which he had adopted; and, at the same time, to disown an act of his—not trifling or of secondary importance, but the corner stone upon which the maintenance of his whole system depended. This was a claim, therefore, he maintained, which was good against the Government, and against all those who approved of the conduct of Captain Elliott; and even supposing the guarantee to which he had alluded not to have been given, he still thought that if the seizure had occurred under the other circumstances of the case, on the ground of general equity, if a petition had been presented to that House, it would have been their duty to have lent a favourable ear to its prayer. Who had been the real gainers by the opium trade? The merchants, it was true, had been the principal parties concerned, and on them the responsibility must rest; but, after all, they had been merely the agents of higher powers, of the imperial authority of the Government; the Indian Government, principally, it could not be denied, but recognised and acknowledged by the Government at home, and that for a long series of years, not by any particular administration, but through many political changes, and without any variation. The conduct of the Indian Government, it was true, had been fully sanctioned by a committee of the House, but they had not only been the real parties in the opium trade, but the real gainers by its being carried on, for there was no doubt that the greater part of the profit had passed into the coffers of the East India Government. He said, therefore, that the claim, in his judgment, was one which was not to be rejected, but which that House at some time or other would sanction, and would favourably entertain. There was a general notion prevalent with respect to the conduct of the Chinese to foreigners, which, although no man would advance in the form of an argument against the system of dealing with the Chinese, did notwithstanding possess the minds of many men with an impression that because they were inhospitable in their manner of treating other nations, they should themselves also be treated with harshness. He conceived, however, that this notion was totally without foundation. It was impossible not to acknowledge the opinion expressed by Captain Elliott upon this subject, who said that they were the most moderate people upon earth; but he begged also to refer to the remarkable words used by Mr. Jardine, who had been long resident in Canton. In describing the conduct and character of the Chinese in January, 1839, two months before these occurrences, at a public dinner, he said,

> "I have been a long time in this country, and have a few words to say in its favour. I must say, that here we find our persons and property more effectually protected by laws than in many other parts of the world. In China a man can go to sleep without a fear of his property or his life being endangered, which are well guarded by the excellent police which is established. Their trade is conducted with unexampled facility, and generally with singular good faith, although there are of course a few instances of a different description, which only the more forcibly bear out my opinion."

If this was the account given of the general conduct of the Chinese as a people, by a person himself the most deeply interested and implicated of all others in the transactions of the opium trade, then he did say that it was ungenerous to attempt to make out a case against them upon the ground of their comparative barbarity; and he thought that we were bound to trade with them in a spirit of equity, fair dealing, and humanity. The demand for compensation for the opium which had been surrendered rested, he concluded, upon this foundation, that the act was an unjust one. It was said that a system of connivance had been carried on by the Chinese governors, by the bribery of the inferior authorities. We, however, were only the offerers of the bribe, and had little right to take advantage of—our own misconduct. Mr. Marjoribanks, before the committee of 1832, attributed the system to the lower, and not to the higher Chinese authorities; but he still maintained that even this had ceased long before the occasion which the House was now considering. It was argued next, that the confiscation of the opium was a penalty not justified by the Chinese law, or by usage. In point of fact, however, when they looked into the real circumstances of the case, they found that the law of China rested upon edict only; and that whatever was declared by edict was law, and that no other law was known. The argument upon the law of China, therefore, failed. Then, with regard to custom, no one could deny that confiscation was the usual, as well as the most natural and appropriate punishment for smuggling, and so far from this custom not being recognised and acted upon in China, it appeared from statements made on behalf of the persons interested in the seizure, that from the year 1821 down to the present time all foreign ships entering the Canton river with opium were deemed and held liable to confiscation, or to be expelled the river, and to be constantly interdicted from trading there. Then it would be a narrow ground, indeed, to take, that although the right of confiscation extended to the Canton river, it was not to be carried beyond that. It was not a question of legal jurisdiction, but if it were, the maritime jurisdiction of China was not confined to the river Canton. The waters of China extended far beyond that, and the opium which was confiscated was found far within their limits. Then it was urged that the measures which had been taken were sudden and unexpected, and of which no reasonable anticipation could have been formed. It stood proved upon the evidence of the witnesses who were examined before the committee that the policy of the Chinese had materially altered within the last three years, and that in the spring of 1839 it was impossible for any person, except such as were blinded by prejudice or interest, not to see that a crisis was about to take place. An edict of punishment was published against the natives who should be guilty of being parties to the trade, and of banishment against all merchants who should so offend against their laws. These and almost innumerable other acts of the Chinese government sufficiently indicated their determination, and no good reason could be shown for the continuance of the traffic, except that which was founded upon the fact of these parties having got into the trade, and of their unwillingness to withdraw from it, unless it should be absolutely necessary. Mr. Inglis stated in his evidence, that he was convinced, long before these circumstances occurred, that a crisis was at hand, and that he had informed Captain Elliott of his belief four or five years before; while Mr. Jardine also expressed the opinion, in the month of December, 1838, that the Emperor was in earnest in his declared intentions. The plea, therefore, that no notice had been given was totally worthless, for it was clear that every means had been adopted which could possibly be taken to convey a knowledge of the determination of the authorities to put the law in force, as it had been frequently declared. It was also said that the Chinese, contrary to the law of nations placed in duress a community of innocent foreigners for the purpose of obtaining the goods which only belonged to a portion of them. He thought, however, that it was clear that the general law of nations could not be rendered applicable to China. That law was divisible into that which must be considered to be the law of nature, which was the universal rule by which all mankind must be governed, and that which was more peculiarly the law of nations as resulting from the improvements effected by the civilization of society. China, however, could not be considered to be amenable to the latter portion of the law, because, partially barbarous, she had never admitted its necessity, nor subscribed to its provisions, and the circumstances of this part of the case could not for one moment, be said to come within the line of that rule, which must be looked upon as the universally acknowledged law of mankind. The merchants had been only, in fact, surrounded by a species of cordon, which prevented their quitting Canton, and which, in fact, amounted to no more than to a refusal of a passport to leave that place. The noble Viscount, he presumed, would admit that there had been no actual imprisonment before the arrival of Captain Elliott. [Viscount *Palmerston* would not admit any such thing.] Then the noble Lord would deny that which was stated by witnesses before the committee, and he thought that the noble Lord would have done well to have attended the committee in order, that he might have been informed upon this point. There had been no violation of the law of nature or the law of nations on the part of the Chinese. At the time when Mr. Dent's presence was demanded by the Chinese, they used no violence. Their reason for demanding Mr. Dent's presence was declared by Mr. Inglis to be, that he was known to be extremely popular among the Chinese, and that they knew him to be of consequence among his own countrymen. It was a question, then, if Captain Elliot had been out of the way, how far the merchants would have been able to make arrangements for themselves with the Chinese. The remaining point was, how far the person of her Majesty's representative had been insulted by the Chinese, though he was at a loss to understand how, even if that were proved, it could be made a justification for demanding compensation for a trade, if admitted to be contraband. It appeared to him, however, as had already been stated, that the first injustice consisted in terming Captain Elliot the representative of the queen. By the Chinese he had only been received as a commercial officer, and it was unjust to contend that the Chinese were responsible as if they had known him in the character of a regularly-accredited diplomatic agent. In the official edicts of the Chinese, on Captain Elliott's arrival, his office was expressly recognised as the same as that of the supercargo of the East India Company, though his rank was known to be different. If Captain Elliott was a consul only (and he could not be said to be anything higher), the principles applicable to him could not be the same as those that would be applicable to a public minister of the country; and before you argued that he ought to have been treated as the representative of the Queen by the

Chinese, you ought to show that he had been received by them as such. This the official records of the Chinese denied. On the other hand, by making himself a party to the detention of Mr. Dent, and by declaring his intention of defending the opium ships, he had identified himself, in the eyes of the Chinese, with a traffic which they deemed contraband, at the same time that he was not invested, in their estimation, with any diplomatic character. Because Captain Elliot placed himself in a false position, were the Chinese to be debarred from taking any steps which they might think fit in order to put an end to the opium smuggling on their coasts? It might be said, that they had not pursued a right course in their endeavour to do this. It might be said "why did they not take possession of the smuggling ships?" But did any hon. Member believe that the war junks of the Chinese were equal to capturing these armed vessels? He would not stop, however, to inquire whether or not the Chinese had technically put themselves in the wrong. They might have done so in their subsequent proceedings, but what he contended was, that at the time when Captain Elliot threw himself into Canton the policy of the Chinese was not bloody; that their confiscation of the opium did not involve any substantial injustice; and that we had no right to make that confiscation either the subject of a war, or the ground of a demand of the value of the opium confiscated. If the exaction of the compensation was delayed, he was convinced that the time would come when it would be difficult to persuade the British House of Commons to sanction it. He recommended the noble Lord, therefore, to use great speed before the indignation of the country was aroused upon the subject.

Sir *John Hobhouse* said that, although the hon. Gentleman was undoubtedly perfectly justified in delivering his sentiments on the present occasion, yet at the end of the speech as at the beginning of it, he had not the slighest conception of the good the hon. Member proposed to attain by it. He did not feel himself called upon to follow the hon. Member through all the topics of his speech. It was in almost all respects only a repetition of the China debate. Since the 9th April, when that debate occurred, a committee had been appointed to inquire into the subject of compensation, which committee, he presumed, had performed its duties fully, examining into every case for and against any parties. Their labours, however, led to no practical result, for they reported their proceedings only, without any opinion. The hon. Member alleged that one effect of the armament would be to increase the contraband trade in opium. The opium smuggling would go on increasing until the Chinese Government ceased to act in defiance of the determined wishes and habits of the people. Captain Elliott had foretold that the trade would go on increasing until the Chinese had entered into some established relations with us. The opium trade had already been sanctioned by two committees of that House, and by Mr. Grant in 1833, when President of the Board of Control, in a speech to that House on the effects of it. On that occasion the subject was received with perfect quiescence, no Member rising to oppose it but Mr. Buckingham, and he could not meet with a seconder. But if he was unable to comprehend the principle on which the argument of the hon. Gentleman was grounded or the trade itself was based, still more was he at a loss to understand what could induce him to characterise the proceedings at Canton. He could not conceive what had induced him to characterise the atrocious conduct of the Chinese authorities at Canton as nothing more than a mere ebullition, an infirmity of human nature, which might well be pardoned. For his own part, he could not look at those proceedings but with the utmost horror and indignation—proceedings which had led the Duke of Wellington to say, "made every drop of blood boil in the veins." He was surprised, too, to hear the hon. Gentleman say, that there had not been, on the part of the superior authorities at Canton, connivance at the opium trade. The hon. Gentleman might speak upon peculiar evidence, but he took the written records of those who were resident at Canton. No connivance! What did the hon. Gentleman say to the Viceroy himself conniving? He did not mean to say that their participation in the trade was a common every day practice, but that when matters were at a push it was the practice of the highest authorities at Canton to participate in the smuggling. But the hon. Gentleman argued, what objection could be raised to the confiscation of the contraband article. He admitted that no objection could be raised. But the question was how, and under what circumstances, was it confiscated? It was not the confiscation that was objected to, but the circumstances of severity under which it took place. The hon. Gentleman, however, denied its severity, it was with him a kind of gentle tyranny, a cordon drawn round the British. Yes, a gradual deprivation of all the means of subsistence, and wherever any of the servants were found to be British, shutting them up too. It appeared from the hon. Gentleman's statement that the Chinese authorities required Mr. Dent's appearance in the city, to show how popular he was amongst them; but then it might be said of other of the English merchants there, that they were so popular that the Chinese gave such an earnest of it that they would not part with them. Under these circumstances, it was hardly possible to tell what would have been the extent of their hospitality to the gentlemen he had alluded to. If the hon. Gentleman was not a very serious person, he could hardly have believed that he expected any one to agree with him on the subject. It was urged that this gentleman was a very important person to pass between the merchants and the Canton authorities, but the course that had been pursued was at any rate the best that could have been followed for the safety of that gentleman. The hon. Gentleman said, that the law of nations was not exactly to be applied to the Chinese. The hon. Gentleman was most difficult to deal with, in consequence of the mode that he adopted in arguing this question. He stated that he would not treat them as barbarians, because they were not deserving of being treated in that way; but, at the same time, the hon. Gentleman declared that he did not consider that they should be treated as civilized persons. On this ground the House was told, that the law of nations was not to be applied to them, but the law of nature. He did not agree in this opinion, nor did he think, that the Chinese were unlike any Europeans, or other people, in believing, that they were justified in taking the goods of another people, or their lives, with impunity. The law of nature, however, appeared to be the law which the hon. Gentleman thought was that which influenced the Chinese in their dealings with other nations. Let them, then, take that law, and he would ask, was there anything in it to justify one man taking the property of another at his will and pleasure? Was there any existing law, or any law that had ever been acknowledged, by which such a principle could be defended? He confessed, then, that he was utterly ignorant of any so called law of nature which could justify the Chinese authorities in the treatment which they had shown to our countrymen. He could not understand under what law men were justified in seizing persons for the purpose of getting possession of property on shipboard 120 miles off, over which they had no control, and thus making them amenable for their countrymen, for the purpose of obtaining the goods of the latter. The hon. Gentleman said, that the preventing the departure of the English merchants from Canton was analogous to the refusing passports in Europe. Could the hon. Gentleman be serious in contending that the conduct of the authorities in Canton, in withholding food and water from the English merchants, was anything like the refusal of a passport from Berlin, St. Petersburgh, or Paris, or any other of the capitals of Europe? [Mr. *W. Gladstone:* It was equivalent.] He had no objection to take the hon. Gentleman's words, and he was then to understand, that the treatment that those merchants experienced was only to be regarded as equivalent to refusing them their passports. He was justified in saying, then, according to this argument, that if his noble Friend, the Secretary for the Foreign Department, being asked for a passport, instead of doing so, shut a person up in his house, and took means of preventing his being supplied with provisions or water, he would be justified in so doing. If, therefore, he asked for a passport, his noble Friend would not only be justified in refusing it, but in taking care that he should be deprived of the means of getting a dinner. Was this the treatment to inflict on persons who had not infringed the law of the country they were in? Were they to be deprived of their liberty? Were they to be prevented obtaining supplies of food? Were they to have their servants taken from them, and only on special occasions to be allowed to be served with water, and that on the miserable plea urged by the hon. Gentleman? They were at length allowed water, and ultimately they were set at liberty; but that the treatment they experienced, did not end in their starvation or in the death of many of them, there were no thanks to the Chinese, nor to the authorities at Canton, nor to the tender mercies of Commissioner Lin. That this result was not attained was owing to the perseverance of the man to whose conduct and courage an illustrious Duke in another place had paid a due tribute. The Duke of Wellington had alluded in glowing terms to the chivalrous proceedings of Captain Elliot; and he trusted that, in spite of the denunciations of the hon. Gentleman, the results would turn out to be satisfactory to persons and property. The hon. Gentleman saw that there had been no violation of the law of nations on the part of the Chinese authorities; he would not allude to what the hon. Gentleman said on the last debate as to the conduct which the Chinese would be justified in pursuing; but what had occurred to justify the hon. Gentleman on this occasion in using such language in defence of those people? To use such expressions as the House had heard from the hon. Gentleman, was not only a perversion of language, but flying in the face of every proceeding that had ever been pursued by a free state, or even by any state that might be termed a tyrannical government. Neither his colleagues nor himself were afraid of the feeling or opinion of the country on this subject; for they felt assured that, upon reflection, their vindication would be the same as that which had been passed on them by the illustrious warrior in another place, and that it would be felt that that which they had followed was not only a just course, but that no other could have been pursued than that which they had adopted; and that if they had not taken the steps which they had, they would have been justly branded, not only with not having taken the best course, but with having acted contrary to humanity, justice, and religion. The hon. Gentleman refused to rate them amongst the civilized nations of the world; should this country then bow to them, and suffer such a people to plunder our merchants with impunity, when we would not allow any civilized power in the world to take from any of our people with impunity even the value of a farthing. The hon. Gentleman had alluded to the question of compensation, and stated that his noble Friend had urged these grounds of objection to it at one time. He would not press that part of the subject; but he felt bound to state that he thought that these merchants were fully justified in asking for compensation from the Chinese. According, however, to the hon. Gentleman, they were entitled to nothing of the kind, and the Chinese would be justified in seizing and shutting up, and depriving of food another 100 of our countrymen without the sacrifice of either humanity, religion, or justice; and, indeed, in treating them in any way they pleased, because they asserted that others of their countrymen had infringed the municipal laws of the country. He did not know that it was necessary for him to say more on this subject, although he knew that he had left many points dwelt on by the hon. Gentleman altogether untouched. With respect to many of them, he had not done so because he had thought that they were amply answered on the debate of the 9th of April; he would then only add, that then, as now, the hon. Gentleman did not show what earthly benefit was to be derived from adopting the course recommended by him.

Mr. *G. Palmer* commenced by saying that the whole of these transactions from beginning to end were the act of her Majesty's Government, and that the result had been a profit to the revenue of this country through India of 1,000,000*l.* or 1,500,000*l.* per annum. [Sir *J. Hobhouse:* The average for about eight years has been 900,000*l.*] No matter what the amount might be, the interests of this country were involved in the revenue of India, and after certain payments that revenue centred in the ways and means of this country. From the documents before the House it could be seen that Captain Elliot had, from the beginning, acted as the great fosterer of this trade, and this was manifest from all his own letters and despatches, commencing from the date of February, 1837. [The hon. Member read long extracts from the correspondence on the table to support the assertion.] Captain Elliot had, in fact, identified himself and the Government in the recognition of it, and except in so far as the Government had refused to pay his bill, still they were as responsible as if they had done precisely that which Captain Elliot had done. He regarded the position of Captain Elliot as that of the representative of this country, and being such, to take care of its trade in the same way as would a consul. And what was the duty of a British Consul? Why, to take especial notice of all prohibitions as to the imports and exports of all articles stated to be illicit or detrimental to the revenues of the nation to which he was attached. It was his duty to guard against the selfish views of individuals, and to prevent them from causing by violating the laws of the country in which he resided, injury or damage to the shipping and commerce of the country to which they belonged. Now, the right hon. Baronet opposite (Sir J. Hobhouse) had endeavoured to separate the Government from this practice of smuggling opium into China. If it were smuggling, this country and the East India Company had been as much parties to it as any other individuals, and what was more, had derived a great portion of the profits of that trade—they were both interested just about in the same way as was the receiver of stolen goods in the product of the commodity. In short, they were all parties together, and were all responsible for the consequences. There was not the smallest doubt but that the trade had been forced on by the Government of this country, to an extent to which this country had no right to enforce it, and the representative of the British Government ought never to suffer under the guns of the ships of his nation a smuggling trade to be carried on in contravention of the laws of the country in which he was by the authority of the Crown invested with authority. He thanked the hon. Member for Newark (Mr. Gladstone) for bringing forward this matter, and thus enabling him to disavow and disclaim the course which the Government had taken in this matter, a course which, in his view, was a disgrace to the country.

Sir *C. Grey:* The hon. Gentleman who had brought forward this question, as well as those who took the same views, argued it not upon broad and general principles, but as it appeared, with the object of throwing the whole blame of the war with China, which was now pending, upon the present Ministry. It should seem that the circumstances out of which the present state of things with China arose, had existed before the present Government was formed, and previous to the granting of the charter of 1813 to the East India Company. Hon. Gentlemen would remember who they were that formed the Government at that period, and, perhaps, the noble Lord, the Member for Liverpool (Viscount Sandon) might have some tradition in his family concerning the protection then given to this trade. When the opium trade was in its nascent trade, it might have been so regulated as to prevent the evils which had since unhappily occurred, and which were greatly owing to the absurd and unsocial policy with which the Chinese people entrenched themselves, but it was scarcely possible from that policy to negociate with them in an intelligible manner, and the consequence was, that for the last ten years the opium trade was in such a state, that no Government of this country could put an end to it without the concurrence of the Chinese government. It would appear that China was desirous of deriving all the advantages arising out of commerce, but, forsooth, the "inhabitants of the celestial kingdom," "the flowery land" would not condescend to treat with us upon equal terms, and the natural consequences followed. How could it be otherwise with a trade so extensively carried on, not only with England but with other European States, and with the United States of America under such undefined and imperfect regulations. As to competition with our force, from all he could learn, if our fleet escaped the storm, he had no hesitation in believing that its operations would at once vindicate the honour of this country, and in the end benefit China itself. According to his view, the first point to be gained was, that the Chinese should in so far be brought to reason as to abstain from issuing edicts, and be prepared to agree to mutual arrangements with other governments. When they so far approached to reason, we should have accomplished a great moral conquest, and our merchants would find ample indemnity and compensation in an enlarged intercourse with a great family of mankind.

Viscount *Sandon* had not intended to take part in this debate, as none of the statements or arguments of the hon. Member for Newark had been at all answered; but he wished to say a few words upon what had fallen from the hon. and learned Member who had just sat down. He did not think that the Government would be pleased with the advocacy of the hon. Gentleman, for he had gone so far as to say that the Chinese policy of excluding us from trading with them on our own terms was illegal. He could not imagine in what school the hon. and learned Gentleman had learned that doctrine. Certainly with regard to the attempts made by the French Government to force their trade on the republics of South America, both the noble Lord opposite (Palmerston) and the hon. Member for the Tower Hamlets had declared, that a war on such grounds was perfectly untenable. They rested their opposition to this war on broad grounds; they saw with regret, this country forced into a war which presented only this alternative—either that the honour of the country should be tarnished by failure, or a great country be compelled to admit a traffic of a most noxious nature, which she was most anxious to repel. That was the broad question at issue. The British Parliament, and the British Government, and the East India Company, had for a long time been encouraging the trade in this noxious article. The Chinese Government had winked at this trade; many of their officers had connived at it, and some, perhaps, shared in it; but at that time the trade was small; the evil, however, grew. It extended itself into the interior of the country; it affected the court, the camp, and the places of education; and it was now contended, that because the Chinese Government had winked at the traffic when it was small, they were to be for ever prevented from taking vigorous measures for its suppression, even when it threatened to disturb the whole social system of the empire. The Chinese Government had given, too, every possible notice of their determination. The discussions in the cabinet were published, and it was known that an opposite policy had been proposed and rejected. The severest measures were taken, and indeed it was not until every measure of severity had been exhausted that they had recourse to that extraordinary proceeding, inconsistent, no doubt, with the ordinary practice of civilised nations, but not more so than the unwarrantable encouragement of the opium trade. The Chinese Government had even urged upon the British commissioner to represent to his Government how essential it was that England should co-operate with them in putting down that trade; and had departed from its usual policy by promising, upon those terms, to enter into an agreement to settle the lawful trade satisfactorily. This transaction had been spoken of as if the merchants who had been shut up at Canton had suffered hardships; but that was distinctly disproved by the statements of Mr. Inglis, who said that, except amongst the young and inexperienced merchants, not the slightest apprehensions were entertained, until the British commissioner had thrown himself into prison, and thus completely identified the Government with the illegal trade. Then, but not till then, a different course was pursued, which it was not necessary for him to defend. He trusted that, whatever might be the result of the present operations, Parliament and the Government would no longer recognise this trade; for so long as the Indian Government retained the monopoly of the growth of opium, and prepared it particularly for the Canton market, and so long as the British Government consented to make a great part of its revenue depend on the dissemination of that poison, they could not honestly and boldly say, "We are free from any implication in this trade." They could not but consider that we were juggling with them. He had not wished to enter upon the question, but he had been surprised to hear the Chinese policy denounced as illegal from the lips of so respectable a legal authority.

Viscount *Palmerston* did not wish to prolong the conversation, which was somewhat irregular; but he was anxious that it should not close without some observations on his part. He concurred with his right hon. Friend, the President of the Board of Control, in being unable to understand the precise bearing of the hon. Member for Newark's mind on the question, whether those persons who had lost their property by the acts of the Chinese Government, are or not entitled to compensation. In one part of the hon. Member's speech, he seemed to contend that the merchants were not entitled to compensation; but in another part of his speech he contended that compensation ought to be given to them, and that it ought to be given out of the revenues of the country. Whichever was the opinion of the hon. Member, he was at a loss to understand the course which the hon. Member had taken with regard to this question. The hon. Member certainly appeared to entertain a very strong opinion, that the proceedings of the Government towards China were unjust, and ought not to be persevered in, for the hon. Member had stated that opinion very strongly, indeed much more strongly than he could have expected from any hon. Member, and had put forth principles which he was very sorry to hear expressed in that House. If, then, such were the hon. Member's opinion now, it was to be presumed, that such was his opinion at the beginning of the Session; and, supposing this to have been the case, when his noble Friend, the Secretary for the Colonies, had stated, that it was intended to demand from the Chinese satisfaction for the injuries and losses which her Majesty's subjects had suffered, why had not the hon. Member on that occasion made some motion in the sense of the observations which he had now addressed to the House, instead of reserving this strong expression of his disapprobation till the end of the Session, when it could be attended with no other practical result than to throw discredit on the cause of England. If the hon. Member thought the merchants were entitled to compensation out of the revenues of this country, why had not the hon. Member, when the House was voting the supplies for the year, proposed a vote for granting that compensation? With regard to the question between this country and China, the hon. Member had stated that one ground on which the Government founded its right to proceed against the Chinese was this—that no sufficient notice had been given to our subjects of the course which the Chinese Government intended to pursue. Now, this was not the ground on which the British Government proceeded. It was true, that in point of fact no notice whatever had been given; but if notice had been given, it could not have altered the character of the proceedings which had been resorted to, and which were alike contrary to the law of nations, to the law of nature, and to every principle which should guide the intercourse between man and man. Was it consistent with the law of justice or of nature to seize the innocent because you could not take hold of the guilty, and by their sufferings to extort from others property which you could not otherwise reach? He was never more surprised than at hearing the hon. Member state that to be the law of nature which was the law of banditti, who seized upon travellers, carried them to the mountains, and there starved or shot them, unless their friends sent such sums of money for ransom as the robbers chose to demand. There was no difference whatever in point of principle. Therefore he was astonished when he heard such doctrines from the hon. Member, who would be the last man to give by his example the least countenance to a principle which would justify the most atrocious acts that had been committed either in ancient or modern times, which would lead to a general corruption of public morals, and which were wholly inconsistent with justice between man and man. The great principles of public morality should never be broken down for the sake of a temporary or party triumph. The hon. Member had talked of the sin of poisoning the Chinese people by sending opium among them; it was as great an offence to poison the public mind by producing a disregard for the great principles on which the welfare of every one depended. The hon. Member disputed the fact of the English having been imprisoned and threatened with starvation; but he thought the statement was fully borne out, and when the hon. Member spoke as if Mr. Dent had been sent for only because they were very fond of his company, their affection seemed to him like that of Isaac Walton for the frog, which he directs his disciples to handle when they put the hook through him as if they loved him, Mr. Dent was very wise in not trusting to their affection. The hon. Member said, that we were not entitled to redress for the treatment to which our commercial representative in China, as the hon. Member called him, had been exposed, and the hon. Member said, that Captain Elliot was not our representative, he being not a diplomatic but a commercial agent. But that argument did not deserve a serious answer. When the British Government appointed an agent to protect the interests of British subjects, and to urge their claims against the Government of the country to which the agent was sent, whether he were called a diplomatic or commercial agent, he was equally entitled to respect, and if outrage were offered to him, the nation was outraged in his person, and was entitled to demand satisfaction, reparation, and redress. The hon. Member said, that according to writers on the law of nations, consuls were not protected; but there were many instances in which they had been considered entitled to protection. He need hardly refer to the dispute between the French Government and the Barbary chief, when the French consul being threatened with execution for some offence—

"Quoted Wicquefort,
And Puffendorf and Grotius,
And proved from Vattel
Exceedingly well,
Such a deed would be quite atrocious."

But did the hon. Member forget, that the proceedings which had been recently taken by the French Government against the Dey of Algiers, and the present occupation of Algiers by France, had their origin in an insult offered to the French consul? The hon. Member had timed the expression of his sentiments rather ill, for if he thought the measures taken against the Chinese for the purpose of obtaining compensation were unjust, he ought to have acted upon his opinions when there was yet time for them to be of some effect, either on the occasion to which he had already adverted, or on the debate which had taken place upon the motion of the right hon. Baronet the Member for Pembroke. It was stated in the course of that discussion, that a quick sailing ship might then prevent further mischief. Why was the hon. Member for Newark silent on that occasion? He had made a speech, but had not proposed as an amendment that a quick sailing ship should be despatched. But after denouncing the proceedings of the Government as abominable and atrocious, and inconsistent with humanity and religion, what advice had the hon. Member addressed to the Government? Why, he recommended them to lose no time, and thinking, perhaps, of the maxim, "*bis dat qui dat cito*," the hon. Member threatened the Government with public indignation in case of delay. Nothing that had fallen from the hon. Member had altered his view of this matter, fortified as he was, not only by a conviction, but by the opinion which had been quoted by his hon. Friend, and by the general opinion of the country, and while he regretted the necessity which imposed on the Government the duty of taking hostile measures against any nation, and especially against one between which and ourselves nothing but an intercourse of a commercial nature had taken place, he felt we should abandon our duty if we hesitated to use those means which the honour and interests of the country demanded.

Sir *R. Peel* said, our relations with China were at present in a very complicated state, and it was possible that the result might be embarrassing in the highest degree. With regard to the compensation due to the merchants, conceiving that their claims were well founded, and that they were entitled to compensation from some source, he feared that the burthen of compensating them would fall on British trade and commerce. Although we might be able to find sufficient funds for the purpose, and although they might, in the first instance, be procured from the Chinese, it was the commerce of this country which would ultimately suffer. He still thought, the course taken by the Government could not be justified; for while the insults which had been offered to British subjects by the Chinese government were unjustifiable, he felt that the complication of affairs was mainly attributable to the want of proper foresight and precaution on the part of the Government. A series of proceedings had taken place which had ended in acts of violence, but these acts were not to be judged of abstractedly and with reference merely to their own character, but they must be looked at in connexion with the whole series of transactions, and he believed they might have been guarded against had the Government exercised a proper degree of precaution and looked forward to contingencies which might have been regarded as highly probable. He had not heard that part of the speech of his hon. Friend the Member for Newark which the noble Lord had commented upon in so harsh a tone, but he felt sure that his hon. Friend was actuated by no other feeling than his own strong and conscientious feeling against the acts of the Government, which he considered to be acts of injustice, and such as were not warranted by the circumstance of the case. He thought that the noble Lord, in denouncing the principles which he attributed to his hon. Friend the Member for Newark, had himself gone a little too far; for the noble Lord said, that it was utterly inconsistent with either law, justice, or morality, for a nation to enforce its demands by seizing on the property of innocent individuals. [Viscount *Palmerston:* On their persons.] He thought there was no distinction in principle between seizing their property and their persons. The noble Lord compared such a proceeding to the practices of the banditti of Italy and Spain; but how had the noble Lord acted with regard to the sulphur question? Why, he had issued orders for seizing the property and persons of Neapolitan subjects, so that the noble Lord took the very course that he had denounced without qualification; he seized on the ships, the property, and the persons of individuals who were perfectly innocent, not for the purpose of inflicting wrong upon them, but in order to procure redress from the Neapolitan government. Did the noble Lord recollect the Dutch embargo? He in that case felt himself under the necessity of seizing the property and persons of Dutch merchants, who were as innocent of the cause of dispute as he (Sir R. Peel) was, because it was thought that their detention would be likely to raise such a clamour against the Dutch government as would induce that government to do justice. These instances proved that it was necessary to qualify the propositions which the noble Lord had laid down in so peremptory a form.

Mr. *Hawes* said, that the hon. Member for Newark appeared to forget that the Chinese government had invited the government of this country to send an officer to take the superintendence of the trade on the expiration of the East India Company's charter. An edict was issued on the subject, and therefore the British superintendent was recognized by the Chinese government. There was no doubt of the brutal and inhuman treatment the representative of the British Government and the British residents had received, and that, he conceived, was a good ground for demanding reparation from the Chinese government. The question was of the greatest importance to our commercial policy. He thought hon. Gentlemen opposite were hardly entitled to say, that a war had actually commenced with China. He hoped that a strong demonstration of the power of Great Britain might be the means of procuring something like justice from that barbarian government. The conduct of Captain Elliot had been characterised by the greatest possible energy and discretion, in circumstances of almost unparalleled difficulty; and for the property which had been unjustly seized, the British Government were bound to exact compensation at the point of the bayonet.

Mr. *Hume* admitted the illegality of the traffic in opium, but contended, that from the moment British subjects at Canton were placed in prison to the danger of their lives the Chinese became the aggressors, and the British Government were bound to insist upon reparation; but, at the same time, he could not think that her Majesty's Ministers had adopted the wisest course in refusing, while they sanctioned the conduct of Captain Elliot, to recognise the claims of the British merchants to compensation. Considering the vicinity of China to the Burmese empire, he could not help thinking, that the peace of India greatly depended on our vindicating British supremacy before China.

Mr. *Maclean* said, that looking at the facts of Captain Elliot's imprisonment, and the subsequent proceedings of the Chinese, he was not prepared to say that the Government was wrong in the steps it had taken to vindicate the national honour. But there were many other circumstances attendant on this transaction, which had not been properly investigated, and he did think that there were strong claims in behalf of British merchants, on the Government for compensation. An immense quantity of property was given up by British merchants to Captain Elliot, on his requisition, he undertaking to pay for it, and giving certificates for some portion, and drawing bills of exchange on the Government for the remainder. Yet her Majesty's Government did not intend to recognise this act of Captain Elliot's. He thought this was not fair or just to the British merchant. It might be a delicate thing to admit a claim for compensation to the amount of 2,400,000*l.* worth of opium; but it was not a delicate thing for the Government to recognise that British merchants had some claim against them for the destruction of that property, on the destruction of which, the Government founded its own claim for compensation against China. He thought that the Government ought not to do more than exact from the empire of China a just retribution for the injuries received. But what he wished to know was, whether compensation was to be exacted from them for the property destroyed, or simply for personal injury? If the Government did not admit the claim of the merchants on them, they would be placed in a delicate situation when they came to make the demands on the Emperor of China, and, if they did not admit the claim, he thought they would act not only without sufficient consideration for the interests of the merchants, but shake the confidence, not merely of our own merchants but of other nations, in the future acts of our accredited officers.

Mr. *Elliot* acknowledged the consideration shown in a former debate, by the hon. Gentlemen opposite, to his relative, Captain Elliot, who had been placed in a situation of difficulty and embarrassment. On the present occasion, however, his conduct had been made the subject of one or two attacks. The hon. Member for Essex had charged Captain Elliot with identifying himself with the opium trade, because he had sent to the admiral on the eastern station for a man of war. Now, this proceeding coincided with the advice of the Duke of Wellington, which it had been made a charge against the Government that they had not acted on. The hon. Member had also said, that Captain Elliot had withheld from the merchants at Canton a communication, which he received from the noble Lord, the Secretary for Foreign Affairs, cautioning him not to give protection to the merchants engaged in the smuggling trade. In this statement the hon. Member was entirely mistaken, for Captain Elliot published the communication in the papers of Canton. The next charge brought by the hon. Member against Captain Elliot was, that he allowed the opium to be landed under his guns; but if the custom-house officers of the country did not prevent the landing of the goods, what authority had Captain Elliot to interfere? The noble Lord, the Member for Liverpool, had distinctly stated that the community in Canton were in no danger until the arrival of Captain Elliot there, implying thereby, that Captain Elliot was the cause of all the risk in which they were placed; and in proof of his statement he quoted from evidence which had been merely obtained with reference to the question of compensation. He (Mr. Elliot) had, in order to put the matter in a right position, cross-examined the witnesses, and the result was, that they admitted that a memorial, setting forth that the British inhabitants of Canton felt both their lives and property in a position of fearful jeopardy previous to the arrival of Captain Elliot, had been signed by all the principal merchants there. He had also felt it his duty to ask several of the witnesses, Mr. Jardine among the number, whether, from any circumstances which had occurred within their experience, they could form any judgment what the proceedings of Commissioner Lin might be? and they replied that his conduct completely baffled their judgment. After this sort of evidence had been given, it was hardly fair in hon. Members opposite to endeavour to make out a case by garbling evidence.

Mr. *Muntz* thought the Government would not have been fit to administer the affairs of the country another day, if they had not had spirit to demand reparation for the insults heaped on this nation.

Mr. *J. A. Smith* condemned the conduct of the Government with regard to the compensation part of the question. After the conduct of Captain Elliot, he did not see how it was possible to refuse the merchants compensation, whether that compensation was ultimately paid by the Chinese or the British Government. The disavowal of that particular act of Captain Elliot was calculated to destroy all confidence in the agents of the British Government. Captain Elliot's name would be dishonoured, commercially speaking, from one end of the kingdom to the other, and yet he was still retained in his post. The Ministry appeared to have acknowledged all Captain Elliot's acts which they thought tended to their own interests, while they disavowed others when it suited their own purpose. Nevertheless the policy of the Government in the war had his entire and most sincere concurrence. He thought the war was just. He believed that the way to produce a good system of commercial intercourse with China was to exhibit a large British force on that part of the world.

Mr. *W. Hobhouse* thought that the Government could not have awarded compensation for the opium surrendered, because, in giving the orders on the British Government, Captain Elliot had exceeded his instructions, but yet he thought that Captain Elliot was properly retained in her Majesty's service as commissioner, because he had acted in that instance under duress, and for the purpose of saving the lives and property of the British community.

Resolution agreed to.

SUPPLY—LONDON UNIVERSITY.] On the resolution granting 5,418*l.* for the expense of the London University.

Mr. *Hume* approved, in every way, of

the intention of this institution, but he complained of the manner in which it seemed to be resolved to carry its object into effect. He thought that the charter limited too much the places from whence, and the parties who were to be examined. He held that there ought to be no restrictions, but that the University ought to be open to persons from all parts of the kingdom, whereas, as yet, no one could apply for examination for honours unless he came from one of the schools or places of education which had received the sanction of the Secretary of State, with the single exception of medical schools to students from which the admission was in the discretion of the council. In this respect he trusted that the new charter, which it seemed likely must be had, or at least that some modification of the present, would establish a complete alteration. With regard to the management of the University, the scale of expenditure seemed to him to be altogether unwarranted by the number of students to be examined. One of the first acts of the body was to appoint a secretary with 1,000*l.* a year, and this was for some time persisted in, contrary to the wishes of Government, though afterwards the salary was reduced to 600*l.* a-year. This showed a disposition to extravagance on the part of the council, and the necessity of the Government having some check and control over them. Another of their acts was to resolve, that examiners, with salaries, might be appointed from among themselves. This was most objectionable, being liable to abuse of the worst kind. This had been passed by a majority of seven to two. Letters were written before the day of voting to each of the members of the council to know whether he would agree to be appointed an examiner in case the election should fall upon him. This was a most inconsistent proceeding, but only one member, Mr. Thirlwal, refused, alleging that such an office was inconsistent with his situation as a member of council. He was willing to make considerable allowance for the defects of an infant establishment, but really he thought there was no excuse for the mode in which the examiners were appointed. He had the list of appointments now before him, and he must say that the scale of salary, compared with the work to be done, would be enormous, if the institution were endowed with funds like Oxford and Cambridge; but, considering that it depended upon the public money voted to it on the promise that it should proceed with the utmost economy, there was gross violation of the principles upon which it was established. The list stated the aggregate sum for the examiners for 1841 to be 3,221*l.* There were fourteen or fifteen, and several professors were examiners, in two or three cases each. The professor of chemistry for two days' examination, three hours each day, had 50*l.* Professor Henslow had 50*l.* for examining in arts, and another had an equal sum for another examination. He did not mean to undervalue the merits of the examiners, who were paid; but he did think that examiners could be obtained who would be content to serve in such an institution for the sake of the honour and reputation the connexion would bring them, without any stipulation for profit. Several professors had 250*l.* each, others had 150*l.* One professor had 250*l.* for twenty-seven hours' examination. The professors of anatomy and physiology had 250*l.* each for five days' examination, or fifteen hours each. This scale was certainly a great deal too high; but, to be sure, the gentlemen had the power of appointing their own salaries. He was sorry to say anything that might give them pain, but he spoke in the wish to bring back the institution to that sound state in which it should have commenced. Whether it was with the Secretary of State or the Chancellor of the Exchequer the right of control rested, something should be immediately done to put a stop to such extravagant expenditure by preventing the senate from appointing the examiners or fixing their salaries. But most of all he objected that the University should refuse its degrees to students from any place of education. It should be open to all, without any distinction of place, regarding them only according to their acquirements. He was sorry that it was so limited in the number of its students. He was willing to make great allowances for an institution in its commencement; he had no intention to oppose the vote, but he hoped henceforward to see the institution conducted with economy, and with a closer adherence to the principles upon which it was founded.

Mr. *R. Gordon* was quite sure the hon. Gentleman did not mean to do any harm to the institution. It appeared to him that the great complaint was, that the board of examiners fixed their own salaries; but this was in accordance with the original constitution. If gentlemen were brought from a distance, and were induced to give up their professions for some five days, whilst employed as examiners, he thought it not too much, and it was hardly fair in an institution of this kind to estimate the pay by the small number of candidates. In the present year the number of candidates for examination were doubled in medicine, and more than doubled in arts.

Sir *R. Peel* thought it very absurd that the gentlemen of the senate, out of their own body, should find all the examiners, and themselves fix the salaries

Mr. *R. Gordon* said, the whole number of the senate fixed the salaries, and a certain number were appointed examiners.

Sir *R. Peel* said, there was no authority for their fixing the salaries without the control of the Treasury. He must say, that a more extravagant remuneration for the amount of business done and the number of persons examined, he never saw in an old establishment, or in which the number of persons employed appeared so disproportionate to the number of persons examined. He thought that an infant establishment ought to have an infant number of examiners. He hoped that there would be some alteration in the power given of fixing the salaries. He could only express his heartfelt thanks that, instead of having twenty examiners, they had not forty, and that some of the examiners had been satisfied to take so little pay, considering the power as to the points which was vested in them.

The *Chancellor of the Exchequer* did not think the remuneration of these gentlemen very high in reference to what they were expected to do. He readily admitted that the salaries were large for the present amount of duties to be performed; but the question was this, they had to form an infant establishment, and he thought that in order to have an establishment whose endorsement should carry weight with the public, they should appoint persons of great weight and character, with the view that the examination might be such as to give a guarantee to the public that the degree was not merely a name.

Vote agreed to.

Supply — Church of Scotland.] On the vote, that a sum not exceeding 5,000*l.* be granted to her Majesty for defraying the expense of building a new hall for the general assembly of the Church of Scotland,

Sir *R. Peel* gave his entire concurrence to the vote. He would take the opportunity of saying, that he deeply regretted the dissensions in ecclesiastical matters which had taken place in Scotland. He had had opportunities of standing in close relation towards that Church, and he felt as strongly as any member of that Church could do, that the public acknowledgments were due to that Church for the services it had rendered. He considered it as one of the most important and useful instruments in propagating true religion, suited to the country in which it was placed, with reference to the past history and present social condition of that country, and calculated to maintain those principles of order and tranquillity which were insecure unless based on a sense of duty. He regretted that a portion of that Church had placed itself in opposition to the State on a question of civil right. The supreme tribunal of Scotland had given its decision, and an appeal had been made to the House of Lords. Upon a question which involved the interpretation of a statute, there could be no authority to act in defiance of a statute law of this country so interpreted. He saw that in Scotland, in reference to this case, allusion had been made to the division of authority which had taken place between the House of Commons and the Court of Queen's Bench. But the cases were quite different. The House of Commons asserted its right upon constitutional principles to interpret its own privileges. This question, which arose in Scotland, was on the interpretation of a statute, and there was no power to place an interpretation on a statute at variance with the regularly established tribunals of this country, and still less to reject a law which had been passed by the three branches of the Legislature. He regretted that the Church had come to a determination, not only to disregard the decision of the House of Lords, but to place a contrary interpretation on it, and that they had not felt the pre-eminent obligation of setting an example to all the subjects of her Majesty in Scotland of paying implicit deference to the law after it had been so interpreted. The Session ought not to pass over without an attempt to reconcile this difference. It appeared to him that the civil right of presentation was unquestionable, and that the right of the Church of Scotland to judge of the qualification of the party presented was as unquestionable. An attempt had been made in the course of this Session by a noble Friend of his (the Earl of Aberdeen) to compose these differences by the introduction of a declaratory act. He was exceedingly sorry that that bill so introduced into the House of Lords, which had received the sanction of that House by a large majority, on the second reading was not to receive the sanction of the Legislature. He was exceedingly sorry that the Church of Scotland did not take an active part in promoting the passing of that bill. If it had come to that House of Parliament, however unpopular it might have been, that bill should have had his cordial support. He was told that it was decidedly for the Conservative interest, that he should hold himself in favour of the spiritual authority to which the Church of Scotland laid claim. If he had thought that authority just and legal, no one would have more readily supported it: but if he believed that that ecclesiastical authority so claimed was unjust and illegal, he would not, for the purpose of conciliation, give his support to it. But he did not feel, that exemption from the force and operation of the statute law of the land could by any possibility advance the interests of any Church establishment, and he earnestly hoped that public opinion in Scotland during the recess would become more moderate, and that the Church of Scotland would look forward to an early settlement of these unfortunate differences through the intervention of Parliament, or by some other mode. He saw an indication of the disposition of the country to accede to the principle laid down in the bill introduced in another place by his noble Friend, from the petitions in its favour which he had presented to this House. He found that 250 ministers of the Church of Scotland, and, if he was not mistaken, upwards of 1,000 office-bearers in that establishment, had, in a declaration drawn up in most moderate terms—a declaration which afforded to him a sanguine anticipation that early next Session a conciliatory measure would pass—expressed an opinion to the effect, that the measure of Lord Aberdeen would accomplish every thing that the Church of Scotland could reasonably desire. Such was the substance of the declaration which had received the powerful support and the signatures of men of the highest eminence in the Church of Scotland. At present the question was left in a most perilous situation; the judgments of the courts had been pronounced—ministers of the Church had been suspended, and menaces had been held out that the law, as pronounced in Scotland, and recognised by the House of Lords, would be disregarded. He trusted that those menaces would not be acted on. He regretted that the bill of his noble Friend had not this Session received the sanction of both branches of the Legislature; he regretted that some portion of the Church had taken part in the opposition to that measure; but of this he was certain, that no bill containing terms more favourable to the Church itself could ever pass into a law. The objection in this House to that bill would have been that it was too favourable to the Church. Here there would have been exhibited a wish to curtail the Church of its authority, and speaking of ecclesiastical authority, he could conceive a bill introducing a more popular election in the choice of Ministers, but he was satisfied no bill could pass more favourable to the Church than the measure of his noble Friend. He wished to say nothing that could at all prejudice a conciliatory settlement of this question, but he had thought it necessary, as one who viewed the Church of Scotland with feelings of respect and regard, to say that he could not support the claims preferred by that Church against the law laid down by the proper tribunals of the country. The best evidence he could offer to the Church of Scotland of his regard and respect for it was, to take this opportunity of inculcating upon its authorities a strict obedience to the law; and, above all, to express a hope that the obligations imposed upon them would induce them to set an example to those in communion with that Church by their own acts of deference and obedience to that law, as laid down by the constitutional authorities of the country.

Mr. *F. Maule* was satisfied that his countrymen would be well pleased that the right hon. Baronet had been pleased to express his attachment and regard for the Church to which they belonged. If that Church had set itself up against the law of the land in matters of civil rights, he would be the last man to stand up in its defence. But the General Assembly of the Church of Scotland had over and over again declared, that so far as civil rights were concerned, it would bow implicitly to the decisions of the law; but so closely was the possession of benefices bound together with the induction to the cure of souls, that it was scarcely possible for those not acquainted with the constitution of the Church of Scotland to draw a line of demarcation between those two rights. But to those who knew the constitution of the Church, the line was clear and distinct, and to them it was apparent that all the Church and the General Assembly had done was to say, that while on the one hand they obeyed the law as to benefices, still they owed a duty to a higher authority than man, when they inducted to a portion of their Church any individual who had a cure of souls. On this point it was, that the General Assembly had maintained the constitution of the Church of Scotland, and had recognized and upheld—as he trusted they would ever recognise and uphold—the principle of what was called non-intrusion. He and they held it to be a principle of the Presbyterian Church, that no minister should be placed over a parish contrary to the will of the parishioners. If he were, he would be intruded contrary to the principles of the Established Church, and if the right hon. Baronet opposite thought that the bill which had been introduced by a noble Earl into the other House would tend in the slightest degree to remove the difficulties in the way of the settlement of this question, he must tell the right hon. Baronet that he had been misled and misinformed upon the subject. Those who had opposed that bill, had neither shown themselves disposed to seek for further ecclesiastical power, nor to shrink from the duties they owed to a loving and affectionate people. What the General Assembly had contended for was, the right of the people to approve of the minister called to preside over their spiritual interests, and what the bill introduced into the other House of Parliament would have done was, to enable the presbytery veto to override the popular veto. The right hon. Baronet opposite had alluded to a declaration in favour of the measure signed by certain Ministers and office-bearers. Now, before that bill had been introduced, two other measures had been framed, in favour of which another declaration had been signed, but not put forth, by 2,600 ministers and elders; and a minute of the Assembly, dated May 13th, 1840, spoke of one of those measures being calculated to bring about peace and harmony, and to effect a real and permanent adjustment. This document he found in the newspapers that had been received from Scotland that morning, and the names were printed of every member of that body who signed it, and he found affixed to it the signatures of not less than 383 ministers and 2,254 elders, making together upwards of 2,600 officers of the Church of Scotland. He was anxious to repudiate the use of violent or intemperate language in the discussion of this question, but he could not help feeling that much that had occurred on the part of the Church had arisen from the attachment of many of the members of it to popular rights. He did not, and he was sure that those who signed the declaration he had just referred to, did not wish to maintain any exclusive power, but he was satisfied that the general feeling of the people belonging to the Church of Scotland on this subject had arisen from their belief that the popular rights were mixed up in the exercise of the veto as they were mixed up in other institutions. The right hon. Gentleman expressed a hope that the ministers of the Church of Scotland would show to their respective flocks an example of devoted obedience to the laws of the country, and that they would induce them not to persist in their present opinions. He had no doubt that those clergymen would preach peace and good will to men, and would induce their flocks duly to observe all those matters which they were bound to obey; but if the right hon. Gentleman meant to say that those persons who had gone through so much obloquy, and been exposed to so much difficulty for the conscientious declaration of their opinions, should desert those points which they had contended for with so much zeal and ability, and thus abandon what they sincerely believed to be their sacred duty, he (Mr. F. Maule) felt bound to say that he could not concur in that expectation. He could not help comparing the bill introduced by the noble Earl elsewhere to that which had been passed in such an objectionable manner in 1711, and having reference to the same subject; for the Act of Lord Bolingbroke made a most serious inroad in the Church of Scotland. He could not forget how that act was passed and by what unfair means it was hurried through Parliament. It was carried through that House; and although at the bar of the other House counsel was heard against it, it was read a second time, committed, reported, and read a third time, all in the course of a week. That Act of 1711 had occasioned more secession and dissent from the Church of Scotland than all other causes together, and had been productive of the greatest evils. If, then, that measure had caused such a mighty rent in the Church of Scotland of that day, he hoped that he might be allowed to caution the right hon. Baronet and the House against following the course that had been adopted with regard to the patronage bill. Let the right hon. Gentleman take care what course he took on this subject, for he might occasion a more severe rent in the Church than was caused by the former bill, and might pull down the establishment. The best means by which the Church of Scotland could be maintained was, in adhering as nearly as possible to its original constitution. He feared, if they adopted the feelings of what was called the moderate party in the Church, and again endeavoured to give them the ascendancy, by means of an Act of Parliament, and thus cause the dissent of a majority in the assembly, the result would be that the knell of the Church would be wrung. He believed that the question in the next Session must come before the House. He believed in another place that on this subject there was little sympathy with the great body of the people of Scotland. It was almost impossible that at the present time this question could be properly settled, but he trusted that by the time that it came before the Members of this House they would have proper grounds on which to proceed. He could assure the right hon. Gentleman, that during the recess, nothing could arise in reference to this subject which the present law was not strong enough to deal with.

Mr. *Hume* said, that the question before the House was, whether 5,000*l.* should be given for the purpose of building a hall for the use of the General Assembly of the Church of Scotland, and he could not help complaining that neither the right hon. Baronet, nor the hon. the Under-Secretary for the Home Department, had addressed themselves to it, but had diverged into a totally different matter. He could not help expressing his surprise at the General Assembly persisting in resisting the law, and it was a matter of astonishment to him that the Government should come down to ask for such a vote for such a body. Was not this conferring a reward for acting in defiance of the law; and after the question had been so often decided by the courts of Scotland as well as by the House of Lords, it was impossible that they could plead ignorance of the law. These persons called themselves men of God forsooth, but were they not creating and encouraging a resistance to the law? His hon. Friend said, that he was a supporter of non-intrusion, so was he, but he would tell his hon. Friend that he probably was not aware that by the mode in which he was supporting his opinion he was rendering the greatest support to the voluntary system. If this body wanted a hall to assemble in, the proper persons to be called upon to build it were the town council of Edinburgh. He objected, however, to building the hall, because the Church did not include more than half the people of Scotland. If the right hon. Baronet was as consistent on that subject as he was on most others, he would join him in resisting the vote, and he should certainly take the sense of the House against it.

Sir *R. Peel* said, that there was one question which he wished to ask the hon. Under Secretary of State. The hon. Gentleman had given his opinion, that the civil law would be sufficient to put down all differences on the subject of the Church. Now supposing certain ministers were to obey the authority of the House of Lords, and that their functions were therefore suspended; was there any mode of affording them redress?

Mr. *Fox Maule* said, it was not fit for him to answer that question. He had no hesitation in re-stating what he before asserted—his opinion that the civil power would be found amply sufficient for the vindication of the law. The ecclesiastical court might have power to visit with its censure any disobedience to its law; but if it departed from its province, the parties affected would have their own remedy.

The *Lord Advocate* was sure that the right hon. Baronet did not expect that he should enter on the discussion of a question of such magnitude as that which he alluded to on such an occasion, and at such an hour as the present. He could not help saying, however, that to charge the clergy as rebels arose from the grossest misapprehension of the case. The Ecclesiastical Court of Scotland never questioned the supreme rights of the civil courts in all civil cases, and their consequences; but then came the pinch of the question—shall the civil court have the power of compelling the presbytery to receive into orders any person who may be offered to them? The Auchterarder case did not go nearly to that extent; and he believed the majority of the judges on that occasion would repudiate such a construction. The conduct of the clergy could not be considered so reprehensible as it was described, when they bore in mind that their view was sanctioned by an able minority of the judges, and by a large portion of the profession. He believed that no measure would give satisfaction to the people, or alleviate the political disorder, which he deeply deplored, that did not give popular control. The late bill did the very reverse of this. It gave the Church the power due to the people, and which they had been taught to expect ever since the Reformation.

House divided on the question that the vote be agreed to:—Ayes 72; Noes 12—Majority 60.

List of the AYES.

Attwood, W.
Baines, E.
Bannerman, A.
Baring, rt. hn. F. T.
Bellew, R. M.
Bernal, R.
Blackburne, I.
Blair, J.
Bramston, T. W.
Broadley, H.
Brooke, Sir A. B.
Brownrigg, S.
Bruges, W. H. L.
Burrell, Sir C.
Campbell, Sir J.
Clay, W.
Cochrane, Sir T. J.
Dalmeny, Lord
Dalrymple, Sir A.
Darby, G.
Dunbar, G.
Eliot, Lord
Ferguson, Sir R. A.
French, F.
Gordon, R.
Gordon, hon. Captain
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenaway, C.
Grey, rt. hn. Sir G.
Grimsditch, T.
Handley, H.
Hodges, T. L.
Hodgson, R.
Hogg, J. W.
Horsman, E.
Hoskins, K.
Howard, hn. C. W. G.
Ingestrie, Viscount
Irton, S.
Jones, Captain
Labouchere, rt. hn. H.
Lockhart, A. M.
Lushington, rt. hn. S.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Nicholl, J.
Palmerston, Viscount
Parker, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Pigot, D. R.
Praed, W. T.
Price, Sir R.
Rawdon, Colonel
Rutherfurd, rt. hn. A.
Sandon, Viscount
Sanford, E. A.
Scholefield, J.
Seymour, Lord
Sheil, rt. hon. R. L.
Sibthorp, Colonel
Smith, R. V.
Somers, J. P.
Stanley, hon. E. J.
Stuart, Lord J.
Style, Sir C.
Tennent, J. E.
Tufnell, H.
Vere, Sir C. B.
Wilde, Serjeant

TELLERS.
Maule, hon. F.
Steuart, R.

List of the NOES.

Baldwin, C. B.
Brotherton, J.
Duke, Sir J.
Evans, Sir De L.
Hawes, B.
Hobhouse, T. B.
Hutton, R.
Norreys, Sir D. J.
Thornley, T.
Vigors, N. A.
Wakley, T.
Wood, B.

TELLERS.
Hume, J.
Warburton, H.

Vote agreed to.

PILOTS.] On the motion that the Pilots' Bill be read a third time,

Mr. *W. Attwood* said, he had no intention of opposing the progress of the bill. It was intended to allow certain vessels to be relieved under particular circumstances from obligations and expenses to which they were now subjected, and he was bound to say, that he felt that the claim for relief was founded in justice in those cases to which the powers given by the bill were intended to apply, and he was satisfied that those powers would be exercised with due discretion so far as they were under the control of the right hon. the President of the Board of Trade. At the same time, he must observe that when the measure was originally introduced, he had entertained the hope that the President of the Board of Trade would have been enabled to take this opportunity of effecting a material improvement in some parts of the system of pilotage; that he would on this occasion have removed to some extent from an important class of British shipping burthens of a serious and, he must say, oppressive nature which now existed; and would have substituted a direct and positive relief for that indirect mode of avoiding those burthens which had been practically adopted, which had occasioned the necessity of this bill, and without the aid of which the trade of this country must have suffered to a very considerable extent. A large portion of the shipping interest looked with great anxiety to this question, and he hoped it would receive the attention which it merited.

Bill read a third time and passed.

HOUSE OF LORDS,

Tuesday, July 28, 1840.

MINUTES.] Bills. Read a first time:—Municipal Districts (Ireland); Insolvent Debtors (India); Church Temporalities (Ireland); Stock in Trade; Pilots; Toll on Lime; Court Houses (Ireland).—Read a third time:—Friendly Societies; West India Relief; Caledonian Canal; Poor-law Commission.

Petitions presented. By Lord Redesdale, from Hacklestown, and other places in Ireland, against National Education not founded on Scripture, and in favour of Church Extension.—By the Bishop of Winchester, from the Clergy of his Diocese, against the Ecclesiastical Duties and Revenues Bill.—By the Bishop of London, from Barley, against any Alteration of the Corn-laws; and from the Churchwardens and others of St. James's, Westminster, against Sunday Trading.—By the Bishop of Exeter, from several Societies in Ireland, against the system of National Education.

COLONIAL LABOURERS.] Lord *Brougham* presented a petition from the emancipated slaves of the island of Barbadoes, complaining of the present constitution of that island. Their chief objection was precisely the same as that which was made by some of their white brethren in this country, and related to the qualification that was required to entitle an individual to vote for members of the House of Assembly. The qualification was a freehold house of 30*l.* a year, colonial currency, or four or five acres of land, probably worth 1,200*l.* a year, colonial currency. Both these qualifications were so high, that, as the petitioner stated, the right of voting for members of the House of Assembly was restricted to a very small number of persons; insomuch, that out of 130,000 persons, of all colours and descriptions, who constituted the population of the island, only 1,200 enjoyed the elective franchise, and of those not more than about 200 were persons of colour. The petitioners further complained, that they were not allowed to carry their labour to Guiana, where they could earn four bits a day, instead of two or two and a half, which they received in Barbadoes. They were, it appeared, prevented under the risk of incurring severe penalties, from emigrating, unless duly authorized by specific licence from the governor. The real object of this provision, the petitioners observed, was to prevent the rise of wages from two or two and a half bits to four. Now, he was not friendly to any check being placed on the free circulation of labour, if it were conducted on just principles; but here he conceived that some superintending control was necessary to prevent the labourer from falling a victim to the crimping system. If that control were placed in the hands of persons responsible to such a Parliament as that which existed in this country, he should not have the least objection to grant the necessary authority, and permitting those people, their interests being thus guarded, from employing their labour where they could do so most advantageously. But he confessed, that he had not the same confidence in the colonial authorities. The proper course therefore would be, with respect to this matter, that persons properly responsible should be appointed to see, that justice was done to the labourer who was about to emigrate.

ROYAL CHAPLAINS IN SCOTLAND.] The Earl of *Haddington* said, he wished to put a question to the noble Viscount at the head of her Majesty's Government, in consequence of a conversation that had occurred not long ago in another place. From what came out in that conversation, it appeared, that the rev. Dr. M'Gill, who a few years since had been presented with the situation of King's Chaplain in Scotland, had not received the usual salary or fee of 50*l.* a year, which was attached to that office. In consequence, a question was put to the proper authority in the House of Commons, and the answer of the Chancellor of the Exchequer was to the effect, that this gentleman had not received, and should not receive, the usual salary, because, in the course of some former discussion, an understanding was come to that no salary should be paid hereafter to any clerical appointment in Scotland to which no duties were attached. He wished to know, whether it were the intention of her Majesty's Government to discontinue this salary of 50*l.* a year to all the royal chaplains in Scotland? Of these chaplains there were ten in Scotland, and he would ask whether, in the first place, it was intended to keep back this trifling sum of 50*l.* a year from Dr. M'Gill; and next, whether the usual salary was to be continued or discontinued to her Majesty's other chaplains in Scotland?

Viscount *Melbourne* was understood to say, that it was determined not to grant the 50*l.* a year to Dr. M'Gill, or to the other royal chaplains in Scotland.

The Earl of *Haddington* regretted that her Majesty's Government meant to discontinue this miserable pittance of 50*l.*

a year to the ten royal chaplains in Scotland. He could not help expressing his very great regret, as well as surprise, at this determination of her Majesty's Government, which appeared to be founded on nothing more than some incidental expression of opinion in the course of a debate. Considering the way in which the Scotch clergy were provided for, he was astonished that the Church of Scotland could boast of so many men of learning and talent. The sum of *50l.* a year was certainly a very small gratuity; but when they considered the trifling provision which was made for the Scotch clergy, and the jealousy with which that Church guarded against pluralities, it became a matter of some importance. In an economical point of view, it was almost a disgrace to mention such a paltry saving. In his opinion, the withdrawing this miserable sum of *500l.* a year was unwise as a matter of economy, and, as a matter of policy, he thought that it was extremely shabby.

THE WEAVER CHURCHES BILL.] The Bishop of *London* in moving the third reading of this bill, said it might be expedient for him to state the objects of this measure. Their Lordships were perhaps not aware of the real circumstances of the case, and he would therefore inform them, that it arose from the extremely flourishing condition of the river Weaver navigation, in consequence of the faithful discharge of their duty by the trustees of the river. A certain Act of Parliament which had been passed, empowered them to expend such portion of the tolls as they might think fit in maintaining the good order and use of the navigation, and they held it to be most important for that purpose, that the labourers employed on that river should be honest and trustworthy persons. But it was impossible to expect that, unless they were religious, and there was no possibility of their being so unless they received religious instruction. The trustees had already passed a bye-law preventing the labourers from working on the Sabbath-day, but the consequence of that was, that a numerous body of persons assembled on the banks of the river on Sunday, having little opportunity of attending any place of divine worship, or obtaining religious instruction; for of the churches at the three principal points of the river, two afforded very insufficient accommodation for religious worship, and the third no accommodation at all. The trustees therefore proposed to devote the sum of 6,000*l.*, part of their accumulated funds, to the building of three churches on the banks of the river. He did not hesitate to say, notwithstanding what had been alleged to the contrary, that the middling classes of the county of Chester, to say nothing of the higher classes, whose feeling was evident from the almost unanimous vote of the magistrates at quarter sessions, were decidedly in favour of this bill. He himself considered it a measure that would produce very beneficial results, and he therefore should move, that it be now read a third time.

The Marquess of *Westminster* rose for the purpose of moving as an amendment, that the bill be read a third time this day six months. It was a measure that would lead to very important results in regard to the public rates and trusts of the country. He admitted it had a very great advantage in being supported by the right rev. Prelate who had just sat down; but, grieved as he was at that right rev. Prelate being a promoter of it, he had the satisfaction of knowing that another right rev. Prelate, who was to have the patronage created by it, was opposed to the measure. When their Lordships recollected that the right rev. Prelate had not attempted to make a single statement on the subject, he thought they would pause before they gave their sanction to a measure, in itself so objectionable. It was a bill in direct violation of a trust and an act of Parliament; and if it were passed, it would be a dangerous precedent in future for interfering with all trust funds and public rates. It was said, that there was a certain number of workmen on the banks of this river in a state of religious destitution; but that they denied: they said they did not want this offer, they were perfectly satisfied to remain as they were. From the petitions which had been presented, he might say, that the feeling of the county was directly against the bill—most notoriously, decidedly, and strongly against it. And yet the right rev. Prelate seemed to think, because the workmen were satisfied with their present condition, that was the very reason why the bill should be forced upon them. It was true they had been prevented from working on the Sabbath-day, and they were no doubt thankful for it, as they wanted a day of rest; but they wanted nothing more.

Lord *Lurgan* said, that he never had had to do with so serious a question as that of the Weaver Churches in any committee on a private bill. He had given it all the attention in his power, and he must say, it did appear to him that a very serious responsibility lay at the door of the trustees of the River Weaver Fund. The population of that district were left destitute of religious instruction and of pastoral aid. He never thought it possible that any part of this country, whatever might be the case with regard to Ireland, could be in a state of such deplorable destitution as the evidence before the committee showed that that district was. In addition to the other facts proved before them, this distinctly appeared, that there was upon the river a floating population of upwards of 1,000 persons, and they were left to idleness and vice throughout the whole of the Sunday. The only question for the House was this—were they entitled to take the Weaver Fund for the purpose of building and endowing churches? It was strictly a Parliamentary trust fund; there was nothing in it of private bounty. It was a fund applicable in the first instance to the improvement of the navigation of the river; applicable in the second place to the aid of the public works of the county of Chester. When those objects were accomplished, but not until then, Parliament acquired a right to deal with the fund, not judicially, but acting as the Legislature of the country. A sum of 300,000*l.* had been paid to the county of Chester, all that was necessary for the navigation of the river had been effected, yet a large surplus remained, and those who had the management of that surplus came to Parliament and asked permission to apply it to the purposes which the bill now before them had been introduced to effect. The object of the present measure was to apply the funds in question to the relief of spiritual destitution, and he believed that few in that House would be found to say that no churches ought to be built, and that no stipends for clergy ought to be created.

Lord *Stanley* (of Alderley) observed, that the present was not by any means a doubtful question. Was the House prepared to interfere with rights of the trustees—rights created under an act of Parliament? Their Lordships could not pass this bill without violating certain trusts. It might be contended that the same power which established those trusts could alter them. But if an act of Parliament was not a good foundation for property to rest upon, he wished to know what security there was for the property of the Church, or even for the estates of their Lordships and of the gentry of this country? It was not to be denied that there was a great want of churches in some parts of the country, and that mischiefs resulted from that want; but that was no excuse for diverting property from its original design. If such a thing could be done, hereafter there would be no security or force in an Act of Parliament. He feared that too many of their Lordships had already made up their minds to agree to the passing of this bill, but it should be recollected that this was the first time that it had been fairly discussed. Did their Lordships come to the consideration of the question now before them unbiassed and unprejudiced? No; but after the subject had been stated in a favourable manner by those who supported the measure; and after it had been agitated, and not only agitated, but settled in not a very full House, when those who were opposed to it were forbidden to speak upon it, they were persuaded to suffer the bill to go into committee, and when it got into committee there were only five or six clauses in the bill, and it was speedily hurried through that stage. But, without dwelling upon that, he would call upon their Lordships to consider with how much danger this bill was fraught. It went to overturn certain rights vested in certain persons. A surplus portion of the river had been appended to the county of Chester under an Act of Parliament, for the sake of obtaining certain tolls in aid of the county-rate. What right had their Lordships to take away that property? They might just as well take away the acres belonging to those gentlemen. Their Lordships might have a good object in view, but was a good object to be gained by an act of spoliation? If churches were wanted, why not supply them by other means? A sum of money had recently been voted in the other House of Parliament for the building of new churches. Why was not that fund applied to this purpose, or a similar vote sought for? No, their Lordships would not adopt such means, which would be more legitimate, but, in spite of all the power of an Act of Parliament already in existence, and of all that the rate-payers could say to the contrary, they would take away the money raised under that act, and apply it to a different purpose than that for which it was originally intended. By the same rule that this sum of 20,000*l.* was taken away, any sum of money the Church chose to call for might be diverted from its proper channel to be spent in the building of churches.

Bill read a third time, and passed.

HOUSE OF COMMONS,

Wednesday, July 29, 1840.

MINUTES.] Bills. Read a first time:—Militia Ballots Suspension; Coal Duties (London); Militia Pay.—Read a second time:—Regency; Metropolis Improvement (No. 2).—Read a third time:—New South Wales and Van Dieman's Land; Sugar (Excise Duties); Slave Trade Treaties; Attorneys and Solicitors (Ireland); Loan Societies; Oyster Fisheries (Scotland).

Petitions presented. By Mr. Hume, from Leeds, in favour of the Ballot, Triennial Parliaments, and Extension of the Reform Bill.—By Mr. Hindley, from Medical Practitioners at Gateshead, for Medical Reform.—By Lord J. Stuart, from Steam-boat Proprietors of Glasgow, for a Reduction of the charges of Lighthouse and Pilotage Dues on Steam-boats.—By Mr. Wakley, from Inhabitants of Wakefield, against Severe Punishment for Political Offences.—By Mr. Easthope, from Attorneys and Solicitors of Leicester, for the Removal of the Law Courts.—By Mr. Goulburn, from a place in Hertfordshire, against the Repeal of the Corn-laws.—By Mr. Baines, from Inhabitants of Leeds, against Encouragement of Idolatry in India.

DUTIES ON COFFEE.] Sir *R. Peel* wished to ask the right hon. Gentleman, the President of the Board of Trade, what was the course he intended to take with respect to the duties proposed to be levied upon coffee? There were at present three descriptions of duties levied on that article. First, there was a duty of 1*s.* 3*d.* per pound on coffee, the produce of foreign countries, and coming direct from those countries; next, there was a duty of 6*d.* per pound on coffee, the produce of British possessions; and thirdly, there was a duty of 9*d.* per pound on coffee, the produce of countries within the limits of the East India Company's charter. Now, he understood that it was the intention of the right hon. Gentleman to reduce the duty on coffee, the growth of British possessions, from 6*d.* to 3*d.* per pound, and the duty on coffee, the produce of, and coming direct from foreign countries, to 9*d.*

Mr. *Labouchere* said, that when his attention had been called to this subject, on a former evening, he had stated the causes of the delay of this measure to so late a period of the Session. One cause was, his waiting in the expectation that the commercial treaty with France would be concluded. In this he had been disappointed, and he now found that there were other difficulties attending the question, and that if he introduced it, one Member would be claiming some exemption for Mysore coffee, and others would be claiming other exemptions, and all this would create discussions and delays, so that there would be no chance of getting the measure through in the present Session. In justice, therefore, to all parties, to the trade, to the House, and to the public, he had come to the determination not to press the measure this year.

Conversation dropped.

REGENCY.] Lord *J. Russell* rose to move that the Regency Bill be read a second time. Her Majesty had thought it due to the interests of the country, that she should call on Parliament to provide for a contingency which he was sure, if the wishes and prayers of her people were to prevail, we should have no reason to dread. But as it was, no doubt the duty of Parliament to provide for the exercise of the Royal authority in any contingency, and as they were then called on to make provision for that purpose, the question for the House to consider was, in what manner they might best provide for the government of the country, in case of the termination of her Majesty's life, while she left an offspring under that age at which princes or princesses are considered fit to exercise the Royal authority in this country. In stating the provisions of the bill now before the House, it would not be necessary for him to enter into any detail of what was done in other similar cases, except in a single instance. The precedents on the subject were, generally speaking, unsatisfactory, having been for the greater part made the occasion of much party difference, and the provisions being generally encumbered with stipulations and provisos extremely doubtful in their effects. The only precedent on the subject to which Parliament could look with satisfaction, was that which it was proposed to follow in the present bill—namely, the provisions of the Regency Bill in the year 1830, introduced into the other House by Lord Lyndhurst, then Lord Chancellor, and cordially supported, not only by the Government of which that noble and learned Lord was a Member, but also by the Government which succeeded. That bill provided simply for the exercise of the Royal authority. It was a bill which received the cordial sanction of both Houses, and met with the general concurrence of all parties in the country. The principle of that bill was to provide as fully as possible for the exercise of the Royal authority while that authority was in the hands of a regent. This was the principle stated by Mr. Fox, in the discussion which took place on the regency question in 1788, and the same principle was stated fully and strongly by Lord Lyndhurst in 1830. It was desirable, as that noble and learned Lord said, that when they had the Royal authority somewhat diminished by not having the name and title of the sovereign, they should not have that authority (which was considered necessary for preserving the balance of the constitution) further limited by Parliamentary restrictions or regulations. For that purpose, and in order to keep the Royal authority unimpaired, he conceived it necessary, in the first place, that it should be exercised by one individual only. It was obvious that the division of authority amongst a council of regency, especially where some of them might, and must be, persons of the highest rank, would only tend to weaken and enfeeble the Royal authority. It was therefore proposed in this bill, that the power of the regent should be placed, not in a council of regency, but in a single person. Then as to the power of the regent, it was not proposed to limit or restrict it, except in those cases in which it seemed absolutely necessary so to do—those being the cases of the succession to the throne, and the preservation of the Church as established by the Act of Uniformity, in the reign of Charles the 2nd, in England, and afterwards in Ireland by the Act of Anne, and subsequently by the Act of Union with Ireland, as fully as it was in England, and likewise the Church of Scotland, as established by law. There was also a limitation of the power of the regent, with respect to his marriage under particular circumstances, but those were the only limitations which the bill contained as to his power. The only remaining question to be considered was, as to the person in whom this power was to be vested. According to the precedent of 1830, that authority was vested in the surviving parent, and, according to all reasonable and natural considerations, the surviving parent, to whom a child of tender years would be most dear, would be the person to whom the guardianship should be confided. Such being the precedent, and such being the decision to which he had reason to hope Parliament would come, with respect to the guardianship of the heir to the Crown, it seemed to him most desirable that that guardianship should not be divided from the Royal authority, but that that authority should be exercised by the surviving parent. They were then supposing a case which might unfortunately happen, of the termination of her Majesty's life, before any issue of her Majesty might attain the age of eighteen years. It was therefore proposed, in this bill, that the Royal authority should be vested in his Royal Highness Prince Albert, the present consort of the Sovereign. It appeared to him that this was the most proper and most constitutional mode in which, in such an unfortunate event as he had alluded to, the Royal authority should be exercised. But he again would repeat his most fervent prayer, that the provisions of this bill might be rendered unnecessary. It was, however, incumbent on Parliament to provide for such a contingency. He knew of no better mode of making such provision than that adopted by the other House of Parliament, with the consent of all [parties, in conformity with the precedent of 1830, which, in his opinion, was most consonant with the due maintenance of the monarchy, and with the best interests of the country. He had now only to move, that the bill be read a second time.

Sir *R. Peel* begged to express his most hearty concurrence in the prayer offered up by the noble Lord, which he was sure was in unison with the feelings of every Member of that House—that it might please Almighty God to avert the contingency for which this bill was intended to provide, and to make the enactments of the measure of no other effect than of being necessary to provide for every contingency that might happen. In the provisions of the bill he cordially concurred. It was founded altogether on the precedent set in 1830 by the Government, of which he was at the time a member, which was introduced by Lord Lyndhurst, and to which it would have been his (Sir R.

Peel's) duty to have asked the sanction of this House, had he continued in office. The bill of 1830 might have been brought in at an earlier period; but the Government gave itself time for the most full consideration of the question, and gave it their fullest support when carried on by their successors in office. He concurred in the principle of the bill, which constituted a sole regent unfettered by a council, or by restrictions of any kind, save those essential ones mentioned by the noble Lord. As to a council of regency, he thought that the best council would be found in a responsible ministry. He concurred in the policy of not fettering the regent by any restrictions, and he also concurred in the principle of not attempting to provide against every possible contingency. Nothing was so unwise as to go beyond the necessity of the case, by attempting to foresee—an attempt that must be ineffectual—every contingency that could arise, and to tie up the hands of future Parliaments by making provisions for remote contingencies, such as the unfortunate demise of the regent. It was unwise to make provision for a contingency so exceedingly remote, and which would be much better provided for by the Parliament in being at the time when the necessity arose. He must also say, agreeing as he did in the principle of supporting a sole regent, unfettered by any council of regency, that he thought Parliament had done wisely in giving the guardianship of the future sovereign to the nearest relative, and in not separating from it the functions of the regency. That was the principle on which he, and the Government of which he formed a part, acted in 1830, with respect to the Duchess of Kent and her present Majesty, then Princess Victoria; it was then considered that the mother had the deepest interest, not only in the custody of the child, but in the mode of administering the Government, and it was the principle on which they proceeded when, in contemplation of the possibility that the Queen Dowager might have been pregnant at the demise of the late King, they provided that in case of the birth of a posthumous child, Queen Adelaide should have the guardianship of the child, and should exercise the functions of regent. He had only to state, therefore, that the bill had his most cordial concurrence, and would conclude as he began, by expressing a hope that the contingency contemplated by the measure might be averted by the favour of Divine Providence.

Mr. *Freshfield* concurred in the provisions of the bill, but wished to call the attention of the House and of the noble Lord, more for the purpose of obtaining information than of making any objection to the state of things which might exist, if at the death or disqualification of the regent, Parliament should be prorogued, or should be dissolved, and no new Parliament assembled. All the precedents down to 1830 had provided for this contingency. The case of an accession was provided for, but he was not aware of the existence of any authority to assemble Parliament in case of the death or disqualification of a regent. Why should not some provision for this contingency be inserted in the present bill? He broadly admitted, that in the bill of 1830 no such provision was made, but he did not know what inconvenience would arise from introducing it. In the precedent of 1811, when his Majesty was incapable of exercising the Royal prerogative, they had been obliged to resort to what certainly appeared a very crooked proceeding, although he admitted it was justified by the circumstances of the case. The two Houses of Parliament authorized the great seal to be put to a commission without the sign manual, and the commissioners appointed by that commission gave the Royal assent to the Regency Bill. At the time, the proceeding was much objected to, and particularly by hon. Members on the other side, who preferred an address to a bill. It was thought that the contingency should have been provided for by a general law, and that the President of the Council should be authorized to supply the want of the sign-manual in such a case. This could not be considered a fanciful objection, when it was remembered that in the act repealing the attainder of the Duke of Norfolk, the want of the sign-manual was made the ground of repealing that attainder.

Bill read a second time.

PUNISHMENT OF DEATH.] Mr. *Fitzroy Kelly* moved the third reading of the punishment of death abolition bill.

Lord *John Russell* said, that he certainly felt it his duty to oppose the third reading. In doing so, however, it was not necessary to go into the whole question of the criminal law, but he submitted that as some of these questions had been brought under the consideration of the House in 1837, and as the others were hardly in such a state that Parliament could have made up its mind as to the course of legislation which ought to be pursued, it was not advisable to proceed with this bill in the present Session of Parliament. The hon. and learned Gentleman in the statement, the very able statement, which he had made upon introducing this bill, had founded his argument upon the general policy of the abolition of death, and had stated that its abolition, except in cases of murder and high treason, was but a prelude to the entire abolition. He would not enter upon that argument, but he could not agree to this bill on the ground that it was desirable to prepare the way for a total abolition, being of opinion that society was not now in such a state as that the punishment of death could be safely dispensed with. Then if they were to take the question in a more limited view, and consider in what cases the punishment of death ought to be applied, they would have the particular cases to which the present bill applied. First, there were the cases affected by the bills of 1837. Those bills were founded, as the hon. and learned Gentleman had truly said, upon the principle that it was not desirable to affix the punishment of death to minor offences against the person, but that it was just and proper to retain it for serious offences against the person. Therefore all the cases in which it was retained were for attempts at murder; for injuries inflicted which might be dangerous to life; robberies committed with blows and violence; burglary, accompanied by violence to persons; setting fire to a dwelling-house in which persons were at the time; or setting fire to ships which might destroy life. For all these offences, as being offences seriously affecting life, and aimed against the lives of individuals, the punishment of death was retained. The consequence of those alterations in the law had been, that there had been a very considerable decrease in the number of persons against whom sentence of death had been pronounced, because, with respect to some of these offences, and particularly burglary, the definition had formerly been so wide, that it included a vast number of cases of no very serious character, in which the judges had recommended that persons convicted of capital offences should be imprisoned only for three or six months. It was not the fact, as had been stated with regard to all those offences that are now punished with death, that the general practice is not to execute the persons convicted. In a small number of cases of the persons convicted, the circumstances may have been such, that the judges have recommended them to mercy, but with regard to one of the offences which had been mentioned, attempts to commit murder, and attacks injurious to life, there had been two cases in which the punishment of death had been inflicted. The first case happened during the time that he himself was Secretary of State for the Home Department. It was this:—A person who had for some time been leading a dissolute and disorderly life, in order to provide himself with means for continuing his course of wild and disorderly conduct, determined to murder and rob a farmer who was supposed to be possessed of money, as he returned from market. He accordingly placed obstacles in the way of the farmer, over which the farmer's horse stumbled, and when he had fallen, the man, who had been concealed near the spot, rushed out and shot the farmer with a pistol, inflicting a most dangerous wound upon him, from which, however, the farmer ultimately recovered. Here was not only an intention to murder, but, in addition, a most dangerous wound had been inflicted. The other case was one in which poison had been administered, the effect of which had been to endanger life, although the person had ultimately recovered. He owned that he did think, that those were not cases from which the punishment of death should be withdrawn, nor did he think that there ought to be an affection shown for these offenders. Without saying that no change might be ultimately made in the law by which they might do away with capital punishments for some offences, he thought, that as a great alteration had been made in the law relating to the capital punishments in 1837—and he did not see that they could be so soon called upon to mitigate the capital punishment which had been proposed to be inflicted by those laws—they had had but a short experience of the effect, especially as the number of persons convicted had been much reduced, and as they had no evidence to show that juries were unwilling to convict because of the existence of capital punishment. Inferences might be drawn from what had already taken place, but he would not dwell upon them, because they could not be fair after a short experience of twelve months. The bills of 1837 had reduced the number of capital offences from between 400 and 500 to about fifty, more than thirty of which were under the law as it had formerly existed. He therefore thought that Parliament had not any good grounds for reducing the number so immediately. With regard to other offences not in the acts of 1837, there had been considerable discussion in the committee, and although the House had decided in favour of retaining them in the hon. Member's Abolition Bill, he owned that he was not convinced of the propriety. One offence was the setting fire to ships in her Majesty's dock-yards. This was one of the offences for which it was said that it might be proper under any alteration of the law to abolish the punishment of death, and to inflict a lesser punishment. But the offence partook very much of the character of high treason, for it destroyed the means and resources of the state, and it was not, in his opinion, one for which they ought to take away the capital punishment. Another discussion in the committee related to the offence of rape. He owned that there was a great difficulty with regard to this offence. It was very difficult to bring proof to convince a jury that the offence was of such an atrocious and grave character to merit the punishment of death, or that there were not some circumstances attending the case which led to a supposition of improper conduct on the part of the woman. He would, therefore, wish, after having consulted others, for he did not himself know how it could be effected, that the attention of Parliament should be given to the question of the possibility of having some provision to form two degrees or classes of offences, and to enact that only the highest class should be subject to the punishment of death, because he did think, that the worst and most atrocious class sometimes committed by several persons, was not only the highest degree of offence towards the person against whom it was committed, but showed also the greatest brutality in the parties committing it. He did not believe that it would be advisable for Parliament to sanction any alteration of the law for this graver offence, nor did he fear that the juries of this country would, in such cases, bring in a verdict of acquittal, when they ought to convict. If it should appear impossible to make this division, or if it should be certain upon investigation that the graver offence was seldom committed, and that the general character of the offence was its less atrocious form, that would be a reason why they should take away the heavier punishment; but at the present moment, Parliament had not made sufficient inquiry to come to a decision. He was therefore of opinion that this bill should not be adopted in the present Session. When he said so, however, he begged to be understood as not giving the hon. and learned Gentleman or the House to suppose that he would support the hon. and learned Gentleman in the substance of his present bill in the next Session. He thought that with regard to offences against property, upon the point to which he had alluded, the firing of the dock-yards, and perhaps with respect to some other offences, there might be an alteration of the law in the approaching Session; but he could not say that for attempts at murder, or for violence against the person, the public should be left without that protection which the fear of the punishment of death was likely to afford. With regard to many of those offences, there was hardly sufficient attention paid to certain classes of the community that were affected by them. They were told of the effect produced by public executions upon persons who went to see them, and arguments of much weight were urged upon that ground; but there were two classes of the community with respect to whose conduct they should pay particular attention. One class was that which might be disposed to crime, that were on the very verge of it, and yet who, before they committed it, would consider whether the crime in which they were about to engage would lead to severe punishment. He could not but think that with regard to these cases the punishment of death, inflicted with the general consent of the community, would be of service for the dread which it would inflict. The other class of the community to which they were bound to pay great attention, was composed of those who were placed in exposed situations, either by passing from one part of the country to another, or by living in houses where villains could easily break in, and who were particularly subject to attack. He thought that they ought to do everything in their power for the protection of this class. If it could be made out that they would be equally well protected without the punishment of death, let it be so, and every one would be rejoiced; but, above all, let them consider those who were entitled to their support. It had become usual, too usual, to give every sympathy to those who were sentenced to punishment for great crimes. It was too much the custom to find out every little circumstance that might tell in favour of a person who had committed a heinous offence; but let them not forget the duty which the Parliament owed to those who acted in obedience to the law, whose lives should be saved from criminals, and who would have nothing to protect them if they should be neglected by the law. Wishing, therefore, that the whole of this subject should be further considered, and as at that late period of the Session they could hardly expect that the other House would be able to deliberate fully upon it, he must oppose the third reading of this bill, and would move, by way of amendment, that it be read a third time that day three months.

Sir *Charles Burrell* did not think the time was yet come for them to make any further alterations in the law. When they referred to the wisdom of our ancestors, he came to the opinion that there was not any justification for going farther than they had already done; and as regarded the protection of females, he hoped that the day would not arrive when the House would withdraw that protection to which they were entitled, and which they had hitherto experienced.

Dr. *Lushington* concurred most fully in the opinion of the noble Lord (J. Russell) as to the necessity of securing protection to her Majesty's subjects against the violence of criminal men, and he should have concurred still more fully in those opinions had the noble Lord shown, by the records of criminal justice, that the course formerly pursued, when the gallows was the ordinary mode of punishment, had afforded that protection to life and property which was so necessary. He agreed wholly and without reserve in the principle laid down by the noble Lord, but he dissented equally and unreservedly from the method which the noble Lord would resort to for the purpose of quelling crime. Nor was he one of those persons who were actuated in this belief by a false commiseration for the sufferers; he only looked at the interests and feelings of the population at large, and consulted only the means of affording them a greater degree of protection from fraud and violence than the practice of putting criminals to death had proved to give. If the noble Lord had descended to the details of the different crimes upon which he had expatiated, if, for instance, he had digested the tables which recorded the state of crime as regarded rapes, he would have seen in one short sentence the result of the present state of the law—namely, that in all prosecutions for rape the convictions, where they did not affect life, were immeasureably more certain than in the contrary case. Now he would not trouble the House at any length upon this topic, but let him only call upon them to listen to the tabular results of the last few years' experience with respect to the crime of rape, and they would be convinced that his argument was the true one, and by those results let the opinions of the noble Lord and his refutation of the reasonings by which the bill was supported be judged. Taking the space of four years preceding and ending in the year 1834, the number of convictions in rape cases, where the indictment was framed on the capital offence, was 18 per cent. on the numbers tried. In the four years commencing in 1835, and ending in 1838, the number of convictions in similar cases was 12 per cent. In the last year, when the punishment of death for that crime was, in consequence of the state of public feeling, abolished *de facto*—not by law be it observed—the effect of abstaining from the infliction of death was to bring the number of convictions up to 23 per cent., not one of the persons so convicted being hanged. What did these figures prove? Why, that when death was looked upon as likely to attend conviction of a criminal, the proportion of convictions was from 5 to 11 per cent. less than now when death was understood not to attend the offence. Was not this an alarming state of things? And if so, it was equally true with respect to all offences of which death was the final punishment. The convictions for the assault with intent &c., always ranged from 60 to 61 per cent. through the three periods he had adverted to, and the punishment due by law had been awarded; but had the indictments been framed on the capital charge, he had proved the proportions would have greatly preponderated the other way, and most of the offenders would have escaped with impunity. On these grounds, therefore, in demanding that the crime of rape be put into another category of punishment, he claimed to be the advocate of woman, and when the tables relating to the effects of the punishment of death upon crimes of this class were digested, he would pledge himself to prove his assertion. The bill before the House being one affecting more deeply the interests of the community, and the question of life and death being involved in it to a serious extent, he trusted the House would not deem him impertinent if he drew attention to the general results of having done away with capital punishments in the cases already comprised in the bill of 1837. Take as one instance the crime of highway robbery:—in the three years ending 1833, the number of committals was 1,349, of whom 19 were executed; in the next three years ending 1836, the number of committals for the same crime was 1,053, and the number of executions 5. In the last three years ending 1839, when the capital penalty had been repealed, the number of committals dropped from 1,349 down to 889—not one human life being sacrificed on the scaffold. Now, having stated this much, let him propound an opinion which was most firmly implanted in his breast—he would assert, that whatever might be the guilt of a criminal, he never should be prepared to sacrifice the life of that criminal, except for the benefit of others. In all cases of guilt, where death was asserted to be the proper punishment, the argument in support of it was, the great enormity of the offence; but this was an argument entirely beside the question, which only had in view the general good of the community, and this blessed result had attended the efforts of those who, like himself, viewed the question on the grounds just stated—that a proportion of one-third of a particular and most serious class of offences (highway robbery) had disappeared under the more humane dispensation of the law, and that many human lives had been saved. Was not this carrying a good principle into effect with benefit and advantage to all mankind? Let him ask his noble Friend (Lord J. Russell) where he found his justification for the sentiments promulgated by him? Had not all the beautiful anticipations of his lamented friend—the indefatigable labourer in the great cause which he now advocated—Sir James Mackintosh, been amply realised? And had he (Sir S. Lushington) not therefore a right to demand of his noble Friend upon what grounds his opposition to the present measure was based? He would not weary the House by going into the contents of that invaluable book that was laid on the table from a committee; but he wished his noble Friend had consulted it, as then out of his own mouth he should have convinced him, not by reference to a particular period, but by the averages of many years. Whatever might be the fate of this bill let them stand on the true principle of the measure. Let no hon. Gentleman get up to waste the time of the House by taunting the advocates of this bill with false humanity. The principle they supported was one supported by experience and by just reasoning—it was the principle of the general protection of the public, particularly of desolate and defenceless females. By passing this bill you would, instead of 12 convictions out of 100 committals, the former average, hold out almost a certainty of 60 convictions out of 100 committals, for then the individual feelings of judges and juries would have nothing to fear from the administration of the law. Under this bill the certainty of punishment would be in unison with the feelings of the public at large, and the criminal, seeing no chance from uncertainty of punishment or sympathy, would be more effectually deterred than he yet had been.

The Earl of *Darlington* agreed with many of the views of his hon. and learned Friend, but he regretted that he could not go with him to the extent that this bill would require. They had all heard, he was sure, with extreme satisfaction, the speech of the noble Lord opposite. There was scarcely a syllable in it that had not his hearty concurrence. He wished not to be understood as the advocate of a sanguinary code of laws. So far was he from being such, that no one could have regarded, with greater horror, that system of criminal law which was in force in this country twenty-five or thirty-five years ago. For instance, he remembered that a man was hanged at Cambridge for poisoning a horse belonging to the late Lord Foley, at Newmarket. No person could revert to that execution without shrinking from the idea as one shocking to humanity, the more so as the man hanged was but the instrument of others, who escaped with entire impunity. It was gratifying to him to feel that no such occurrence could take place again. He rejoiced, also, that that revision of the criminal laws had taken place, for which we had to thank the right hon. Baronet, the Member for Tamworth, and also that we were indebted to the noble Lord for the bills of 1827. He concurred entirely in the provisions of those bills, except that he thought the noble Lord went too far in the clauses respecting rick-burning; and it was a fact, that offences of this kind were committed to a great extent in the years 1830 and 1831. Setting those points aside, he was willing to admit that the country had benefitted much by these alterations in our criminal code of laws. But as the criminal law had been administered of late, he would ask the House to recollect the executions that had taken place within the last three or four years, and then could any hon. Member say, that there was a single one of those executed who did not fully deserve his punishment? He was sorry that the hon. and learned Member for Ipswich, when enumerating in committee all the different acts under which criminals were liable to forfeit their lives, had not left out two or three, as in that case, he should have agreed with him. Even under those two or three statutes, he did not mean to imply that he wished that the punishment of death should be inflicted in all cases, but he thought it would be impolitic to take from the judges and the Home Secretary the power of occasionally mitigating capital punishments. Upon some points, he must entirely differ from the hon. and learned Gentleman. There was that of intent to murder. Now, there were some cases of intent to murder, which were of the greatest possible atrocity, and quite equal to any act of murder that could be committed. Suppose the case of a felon, who attempts to kill a person, but does not succeed outright, his victim is then left to linger, perhaps several months, or even three or four years. Did this fact make the crime less diabolical on the part of the ruffian who had done his best to commit the murder, and was it because the life still lingered in his victim; that such a criminal should not be made to suffer the full punishment of death? With regard to the crime of rape, he thought there could be but one opinion. The hon. and learned Member for Ipswich must admit, that cases did occur now and then which were so fully established, that the offender ought to receive the punishment of death. He therefore complained, that the bill proposed to take away from the judge the power of passing sentence of death in such cases of extraordinary atrocity. There was another horrid crime which was revolting to the general feelings of mankind. We had had, certainly, but very few instances of it, and God forbid that it should ever become less rare in this country. However, we had had instances of persons being fully convicted of this crime, and executed for it, and would any Member now get up in his place and say that those persons had not been properly executed. It would be recollected that three men were hanged some years ago at Lincoln for a most atrocious case of this crime. The punishment for murder was, he repeated, reduced as much as it ought to have been, and no person had reason to complain on that head. In fact, his hon. and learned Friend had failed to establish a single case of grievance, and what was a most extraordinary oversight was, that, while he proposed to do away with the punishment of death in certain cases, he did not come forward with a single punishment instead. Would he say, that the punishment of transportation could be at all considered as a substitute for death? There were many reasons against the bill which must suggest themselves to those who considered what was the duty of men who had to legislate for the well-being of society. He thought, at present, that the hon. Gentlemen from whom he had the misfortune to differ were influenced by a sentiment of false humanity, and he was convinced that if the bill passed, so far from being a public benefit, it would be found fraught with infinite mischief. Under these circumstances, he must oppose the third reading of the bill.

Mr. *Hume* said, the testimony of the noble Earl went to show that a great improvement in public morals had taken place since the diminution of executions. Were not the same objections formerly urged against the mitigation of punishment for minor offences which were now urged against this bill? The noble Lord referred to the case of three men who had suffered death for a certain crime, and then he asked, did not these men deserve their punishment? But did that sacrifice of life prevent the crime and protect society? Did it guard against the evil they now sought to avoid? The noble Lord ought to see, while he thanked the right hon. Baronet the Member for Tamworth, and the noble Lord the Secretary for the Colonies for their acts, that the decrease of the number of executions had been followed in every instance, without exception, by a decrease of those crimes for which those capital punishments had formerly been inflicted; and he ought also to remember that the sacrifice of a single life by the law ought not to be sanctioned unless there was a prospect of doing good to society. This was the principle of the bill of the hon. and learned Gentleman, and he would submit to the House that the statement made by the noble Earl ought to make him vote for the entire abolition of the punishment of death to a greater extent than that now proposed. The noble Lord would proceed upon a vindictive principle: this bill proceeded on the principle of protecting the community at large. The noble Lord talked about the propriety of leaving a discretionary power with the judges. He was opposed to such discretion being allowed. He was not opposed to the exercise of discretion by the Crown in certain cases: but as a general maxim he would prefer seeing discretionary power kept out of view, and a fixed punishment instituted, always certain to be inflicted upon those criminals for whom it should have been provided. He would entreat the noble Lord (Lord J. Russell) to look once more at the experience of the past, and then he was sure he would not hesitate to agree to the third reading of this bill, and thus further a principle, the operation of which, the noble Lord confessed, had already conferred great benefit on the public.

Mr. *F. Kelly* replied. If, in asking the House to agree to the third reading of this bill, it could be shown that the slightest increase in the number of crimes had taken place, he should have left the measure to be proposed by some Member more experienced in legislation than he; but in bringing forward this bill, and in now entreating the House to agree to pass it into a law, he had felt as morally certain as any man could, respecting what was yet to come, that the effect of the measure would be like that which had already followed every case of mitigation of the criminal law—namely, to diminish the number of offences in respect of which the punishment should have been reduced. He had had occasion, in meeting the arguments urged against his bill, already to remind the House that of 180 crimes once capital but for which the punishment had been reduced, not one had increased since the infliction of death had been taken away. And when they found after this long experience, notwithstanding the predictions that had been pronounced by the most wise and most learned, that crime would be multiplied and danger to society increased by the repeal of capital punishment—when they found that those predictions had been in every case falsified by events, why should they now suppose, when a further mitigation of the law of capital punishments was called for, that different results would follow. He had listened to the arguments of the noble Lord opposite with all the respect to which every observation from him—particularly on such a question—was entitled; but, he must say, he had not been able to discover any ground upon which the noble Lord could establish a substantial distinction between the principle of the present bill, and the principle upon which the noble Lord proceeded with his own bills in 1837. The whole of the arguments against the present bill seemed to rest upon a few extreme cases, some real, some imaginary, adverted to by hon. Members, which could be included among the crimes that he proposed to exempt from capital punishment. He would beg the noble Lord and the House to recollect that, when the present Lord Chief Justice of the Court of Queen's Bench proposed to do away with capital punishment for forgery, some very moving pictures of domestic misery were brought forward to create an impression against him. It was urged on the House and on the country that, if you should exempt from capital punishment the crime of forgery, you would not only threaten the commerce of this great country with destruction, but you would also involve thousands of families in ruin. Nevertheless the noble Lord pressed forward his measure with a perseverance that did him the highest honour, and he succeeded in getting his bill passed through both Houses of Parliament. What was the result? Why, the apprehensions so affectingly forced upon the public turned out to be groundless. The crime of forgery diminished, and we no longer heard complaints about families being threatened with ruin, and our commerce with danger; and even those most interested in the prevention of forgery acknowledged that the repeal of the capital punishment had been productive of the best possible effects. Why should we apprehend different results from the exemption of other crimes? He entreated the House to take this view of the question. He further begged of them to consider that, in asking them to pass this bill, he only asked them to make a law according to a practice which had for some time prevailed even against the law, for the offences he proposed to exempt from capital punishment by law had been long so by usage. The noble Lord knew how difficult it was to get a jury to convict, even in cases in which the guilt was brought home conclusively to the offender. This was because, if they found him guilty, he would be hanged, and in this sentiment the public feeling went along with them. He had that morning read a letter from Mr. Latham, of Leeds, stating that the treasurer for the West Riding of Yorkshire had just told him that, at the assizes for the county, the jury had in many cases refused to convict because the penalty of death would follow. And this feeling was general. The bar, the judges, jurors, in short, every officer and individual connected with courts of justice, would tell them that it was next to impossible to get a jury to convict in any case where the punishment was capital, except murder. He would appeal to every man familiar with the courts of justice, whether it was not almost impossible to obtain a conviction in any case excepting in a case of wilful murder. When he was told that in seeking to remove capital punishments he was giving way to false notions of humanity, and that he was withdrawing the protection which society needed, he would answer, that it was for the purpose of giving that very protection that he had introduced the present measure. If he felt that its operation would be to withdraw protection, he would not proceed with it: but it was because he felt confident of a result the very reverse that he was anxious to carry the present measure; and, in the cases in which he proposed to abolish capital punishments, to enact instead the severest kind of punishment short of death, convinced as he was that the most beneficial consequences would follow immediately on the change. If the operation of the present state of the law was to give protection to females in the cases which had been alluded to, the House would be right to reject the change he proposed, but let them see whether that punishment which the law at present inflicted tended to protect females. When they found that during the last four or five years out of 100 persons committed and tried for the offence in question, not more than twelve were convicted, they might well consider whether the present state of the law was any protection, as had been contended. If they found that, under the present state of the law, that particular crime was still committed to an extent that they ought not to expect in the present state of society, it surely became matter of very grave consideration whether the law was not defective, and whether a change ought not to take place in the mode of punishment; and he thought that when they saw so few convicted out of 100, it ought to prove that there was a serious defect in the law. He would refer for a moment to the case which had been alluded to by the hon. member for Cheltenham on a former occasion. In that case, three persons were tried for violating a female; and, notwithstanding the heinous character of the offence, they were acquitted. He found that the case had been alluded to by the noble Lord, when he brought in his bill in 1837. These men were tried for the offence, and were acquitted, under circumstances to which he would call the attention of the House. He found the facts stated in a paper which had been addressed to the noble Lord by some of the inhabitants of the city of Gloucester, in which city the case was tried, and which was as follows:—

"*To the Right Hon. Lord John Russell.*

"We, the undersigned, being resident in and near Gloucester, feel deeply interested in a trial that has just taken place at the assizes in this city, and considering its result has a most important bearing on the proposed alterations in the criminal laws now under the care of Government, feel it our duty to lay before your Lordship some important particulars of the trial, for the veracity of which we beg to refer to the judge (Mr. Baron Bolland) to Sergeant Ludlow, or to any other official person connected with the court.

"It appears that three men, named Parry, Wright, and Rea, were indicted for a violent assault and rape committed on the person of Mary Lee. The evidence not only proved most clearly the guilt of the prisoners, but also that the crime had been committed under the most revolting circumstances of violence and cruelty.

"The jury, after a long deliberation, inquired of the judge whether they could bring in any mitigating form of verdict which would save the lives of the prisoners, of whose guilt such an inquiry proves they were convinced? On finding, however, there was no alternative between acquittal and death, their fears of being accessory to the infliction of this dreadful punishment appears to have overcome every other consideration, as they soon returned a verdict of 'Not guilty,' to the astonishment of all who had heard the evidence given in the court. The case has produced an unusual sensation in this city and neighbourhood, and every one feels that there must be something decidedly wrong for men so clearly guilty of so black a crime to be thrown back upon society altogether unpunished, by the verdict of twelve disinterested men. And if the evil, wherever it may lie, is not speedily corrected, society will be left in a fearfully unprotected condition, and a great encouragement will be given to the commission of the deepest crimes.

"It is this circumstance that has excited and alarmed the public mind in this neighbourhood with regard to this case, and has induced us to bring it especially under the notice of your Lordship at this important juncture, as a clear and practical illustration of the evils arising out of our present system of criminal jurisprudence; evils which we believe can only be remedied by such an alteration of the law as shall substitute some severe secondary punishment for that of death.

"We may throw the blame upon the jury it is true, but that will not correct the evil of which we complain, since from what we have seen of the difficulty of obtaining convictions in capital cases, and from what we know of the growing repugnance in the public mind to sacrifice of life, we consider it quite certain that juries will be found more and more unwilling to become accessary to a punishment at which their feelings will increasingly revolt as it becomes more rare, and the uselessness of which, for the protection of society, is daily becoming more apparent.

"In the hope that this private communication of the facts above stated may tend to determine your Lordship in carrying the proposed ameliorations of the criminal law sufficiently far to meet the decidedly altered views of society, and to secure the community against the improper acquittal of guilty and dangerous men, we beg to subscribe ourselves, your Lordship's most obedient humble servants."

(Signed by the Mayor of Gloucester, four Justices of the Peace for the county and city, and an eminent Physician.)

It was therefore seen that even for the offence so abhorrent to society as the offence in question, they could not get convictions; but he could not doubt, if the punishment were not capital, that in the number of cases he had stated, convictions would have been obtained if the punishment for the offence had been one short of death. Besides, he would ask, if there be a certain and severe punishment, would not parties be the more likely to be deterred, and would they not infer that if they were guilty parties they would be certain of being subjected to the punishment? All their experience was in favour of the good effect of making punishments certain; where they were not so, very serious evils resulted, as he had proved with reference to the present offence. With respect to the other offence, the attempt to commit murder, he thought there should be a distinction between that offence and the crime of murder itself. The sole object of punishment was, to prevent the commission of crime. They were not to punish criminals according to the degree of moral guilt, but in order to prevent crime, and while he retained the punishment of death for murder, he gave the best protection that could be given against the attempt to commit that crime. The principle of the bill having already obtained the support of the majority of that House, as it had obtained the support of the majority of the country, he did not think it necessary to trespass further on the attention of the House. He thought, that the time was come when the House ought to go on with the completion of the work which the noble Lord (Lord J. Russell) had so well begun. He hoped that the measure he had introduced would soon become the law of the land, and he did not entertain a doubt that the change would prove to be one most beneficial to society.

Sir *R. Peel* could assure his hon. and learned Friend, that he did not believe that he had brought forward the motion through feelings of inconsiderate humanity, but that he thought he was taking by the measure he had proposed fresh and better security for the protection of persons and of property. He was perfectly assured that such was the hon. and learned Member's object; but he having given the subject great attention, and having deeply considered the important consequences involved in the proposed change, had not thought that the necessity for it had been satisfactorily made out, and he was not, therefore, prepared to withdraw the punishment of death which the law at present affixed to certain offences. He was of opinion that they were right in making the amelioration of the criminal code proceed gradually, and accordingly as they found the people were prepared for the change; but he could not join the hon. and learned Member in carrying out that amelioration to the extent which he at present proposed to carry it. As to the reference which had been made to sixty convictions out of one hundred trials for the lesser offence in cases of rape, and only six convictions out of one hundred where the capital offence was charged, and the inference that had been drawn—namely, that in the one case the jury willingly convicted because the punishment was not capital, and that in the other there was an unwillingness on the part of the jury to convict because the punishment was capital—now, if the hon. and learned Member had proved such a state of things, they ought to take fresh securities to prevent the crime; but if it appeared that the difficulty in the latter class of cases arose from the defect of evidence which was frequently so difficult to bring forward, then the difference in the number of convictions could be accounted for by the fact that the evidence was not sufficient to satisfy the jury of the guilt of the accused. He would agree with the hon. and learned Member that the moral guilt of the prisoner was not sufficient for the jury, and that in many cases, the fear of death did not deter the offender from the commission of crime. He would admit that they must go along with the public if they found that there was an unwillingness on the part of juries to convict for this offence. But was the offence one which ought not to be punished equally with murder? Suppose the violation of a poor woman by a wealthy man, under circumstances of aggravation, which sometimes attended the crime; or let them take the case of a conspiracy on the part of a rich man to effect the violation of a woman in humble life—were cases such as these, when violence little short of taking life was committed—were they to be passed over with an ordinary punishment? If the punishment of death were not to be inflicted, it would do more than anything else to shock the public feeling, and to lessen the sense that ought to be entertained of the enormity of the crime. There was nothing to prevent cases, in which mitigating circumstances existed, being brought under the mercy of the Crown, and it would be much better to leave such cases to be so dealt with. They might depend upon it that the sympathy of the public would go along with them in the infliction of the punishment for an offence of such a nature as the one under consideration, and where the most revolting cruelty was sometimes committed. He was taking extreme cases he knew; but if such cases were not to be punished capitally, then the bill of the hon. and learned Member failed in that respect in giving the necessary protection to society. In certain cases the Crown could interfere, and could remit the punishment, but for extreme cases the power should be retained to inflict the punishment which the law authorised at present. As to the unwillingness of juries to convict because of the punishment being capital, he thought that there existed no unwillingness, if the proof appeared clear of the commission of the offence. This was the difficulty. He did not believe there was any unwillingness to convict from any other. They might depend upon it that witnesses felt, and that juries felt, if there were any ameliorating circumstances, that the Crown would step in, and would remit the punishment. But he believed there was no unwillingness on the part of witnesses and of jurymen to do their duty conscientiously, and that juries would not hesitate to convict where the proof of guilt was clear and satisfactory to their minds. The hon. and learned Member for Ipswich had referred to cases in which he supposed juries were forgetful of the obligation of their oaths; but from the communications which he had had with many who had opportunities of witnessing the administration of the criminal law, he must say that in no case where the crime was aggravated, and the evidence clear, was there any sympathy with the criminal on the part of the juries. Again, take the case of setting fire to a dock-yard. Why should he part with the security he now had against this crime? Suppose a party, with great feelings of national hostility to this country, meditating the crime of setting fire to our ships of war, what effectual check would there be against his committing it when he had first ascertained that he would not be liable to the punishment of death for it? He thought, therefore, that by removing the punishment of death they would be removing one great security against the commission of this offence. Moreover, a man meditating such an offence would be likely to speculate on the possibility of escape in the first place, and next of acquittal on trial, and then of escape after conviction. Certainly, then, it was better before they made so extensive a remission of capital punishments to pause and weigh well the probable consequences of such an alteration. He spoke now of robbery of the person, combined with extreme violence, setting fire to a ship with the intent to commit murder—for by this bill the setting fire to a ship, though with the intent to murder the whole of the crew, would be exempt from death—and of rape, in aggravated cases; and he must declare that, before he consented to this proposal to exempt those crimes from capital punishment, he must have more satisfactory assurance of what would be the working of the system of secondary punishments. He had now only to make his choice between incurring risk from a hasty and precipitous relaxation of the criminal code, and the inconvenience of postponing its relaxation in those cases to which this bill applied till they should have a fair opportunity of gravely considering the system of secondary punishments, and he must say, that he thought the postponement was the safer rule. There was some security in the dread of death, which was not be had in secondary punishments. Take, for instance, the case of imprisonment. He would venture to say that there was no man, and particularly no degraded man, who would not speculate on the possibility of the chance of effecting his escape. Look to the escape of Gould. He effected his escape once, and effected it as nearly as possible a second time. They might be sure that many men would calculate on these remote contingencies, and particularly men who commanded great pecuniary resources. Then, with regard to transportation, he understood from the noble Lord that transportation to New South Wales was to be gradually abolished. But he supposed transportation to some subordinate settlement was to be still continued. However that might be, the present punishment of transportation to New South Wales did not impress on the public mind a greater apprehension of the consequences of crime than the punishment of death. However severe it be, he feared much that the mind of this country, and particularly the criminal mind, was not sufficiently impressed with the extent of the privations and sufferings which transportation inflicted to make it expedient to relinquish capital punishments in every case. Feeling the advantage from the present remissions of having the public mind in sympathy with the punishments inflicted, and believing that that object would be better effected by a gradual relaxation of the law, and moreover strengthened by the opinions of persons most conversant with its administration, but not saying but that he might ultimately concur in the full remission which this bill proposed, he yet felt bound to say, after the fullest consideration, that he did not think it proper to give his consent to a bill exempting from capital punishment wilful incendiarism, burglary and robbery, committed with extreme personal violence, and bringing the party to the verge of death. He would much rather vote for a partial alteration in some cases, than a total remission of capital punishments in all cases; but as it was now too late to propose that amendment, and as the course pursued by the noble Lord left no other alternative, he must concur in the motion for the rejection of the bill.

Mr. *Ewart* said, the chief arguments used by the right hon. Baronet were founded on the alleged inefficacy of imprisonment and transportation as preventives to crime. But were they now, merely because they had not arrived at perfection in the mode of working out those punishments, to pause in carrying into operation any further amendment of the criminal code, or in proceeding further with those mitigations of it of which the right hon. Baronet himself had once been the advocate? The right hon. Baronet did not agree in any one subject with the noble Lord. The noble Lord stated that in his opinion, the fear of death had still some effect in preventing the commission of crime; but the right hon. Baronet discarded that supposition.—[*No, no!*] He had heard the right hon. Baronet, and what the right hon. Baronet said, was, that the question of the fear of death operating on the mind of a criminal was one of very doubtful consideration; and he then took refuge in the allegation that the juries did not, in aggravated cases, sympathise with the convicts. That portion of the right hon. Baronet's arguments was different from the line of argument taken up by the noble Lord; for he went on another principle, and opposed the proposed relaxation because he considered the existing punishments not to be, in practice, at variance with existing feelings. Let them just consider the cases put by the right hon. Baronet. One of these was a conspiracy to commit a rape on the part of a rich man. The right hon. Baronet acknowledged, that in putting this, he put an extreme case; but he omitted to observe, that that very extreme case had been brought forward by the hon. and learned Member for Ipswich, who proved that in a case where the crime was as aggravated, and the evidence as undeniable, as in that put forward by the right hon. Baronet, the jury first asked, whether they could find the prisoner guilty of the minor offence, and on being told that they had no alternative but to convict on the capital charge, or to acquit altogether, returned a verdict of acquittal. So that this objection of the right hon. Baronet had been met by an antecedent fact stated by the right hon. and learned Member for Ipswich. This was a subject of great interest to the public, however little hon. Members might think of it; and perhaps, if they imagined it would at all affect themselves, they would not consider it very desirable to die. He would not bow to the doctrine—

"Let wretches hang that jurymen may dine."

The right hon. Baronet's next objection was on the clause as to setting fire to a dock-yard. The case put by the right hon. Baronet was that of one perpetrating this offence with the intention of committing murder. But the right hon. Baronet had forgotten, that if the party did it with that intention, and death followed, he would be indictable for murder. That case had been put before by the hon. and learned Member for Ipswich, who stated expressly that if death followed, the party would be indictable for murder. But the right hon. Baronet, in the case which he put considered that no harm was done to any man by the occurrence which took place —that there was a destruction of property but no destruction of life. Would the right hon. Baronet then maintain the position that, where destruction of property, but not of life, took place, the act was to be punished with death? If he did, why not state it distinctly, and not put it thus covertly forward. The noble Lord, whom he regretted to see opposing this bill in its present stage, when the hon. and learned Member for Ipswich reverted to the sympathy which was felt, as he stated, in favour of the criminal, considered that it did not form any argument in favour of the present proposal, that since the mitigation of criminal punishments this sympathy had decreased. The public finding the punishments were in accordance with their feelings, in proportion as they diminished the gravity of the punishment, they removed the false sympathy that formerly existed, not in favour of crime, but against its too severe punishment. Of this decrease of sympathy on behalf of criminals they had a proof the other day, when the people took part with the law against the offender, and pursued him with their execrations. He had been long an advocate of the mitigation of the criminal law. The noble Lord had this evening characterized this measure as a great alteration of the criminal law; but, in the former debate, the noble Lord stated that the execution of the law was now limited to the cases of murder and treason; that it was as nearly as possible limited in practice to what the hon. and learned Member for Ipswich proposed to limit it by statute. The noble Lord stated even that in the cases which were excluded from the operation of this bill, the practical execution of the law was not carried to the extent allowed by this measure. Why, then, would the noble Lord oppose such an alteration of the law, as would bring it up in theory to what it was in practical execution? The hon. Member for South Shropshire had told them that he remembered the time when a man was executed for poisoning a horse. What a great change had taken place since that time; and if public opinion had been so far changed that those punishments had been remitted with safety in former cases, why might they not with the same policy proceed with equal safety to carry into successful operation the measure proposed by his hon. and learned Friend? He would say that it was with regret he heard the noble Lord state he wished that this bill had retained the capital punishment in the case of setting fire to a dock-yard. For his part, he thought it better to have a uniformity of relaxation than to retain capital punishments for a crime which was denounced, not only by the public opinion of this country, but by that of all civilized nations. He trusted that the noble Lord, yielding to that principle of humanity which was one of the great features of his character, would bow to this cause, which was advocated not by one side, but by both sides of the House, that it would soon have him for one of its advocates, and that he would soon see both sides of the House coming to the conviction that capital punishments ought to be abolished, not only in the cases proposed by his hon. and learned Friend, but also in that of treason; and that at length good policy would justify them in adopting that which was the basis of all criminal reform—the total abolition of the punishment of death.

Mr. *Langdale* said, he should support the third reading, but with the intention if the third reading was agreed to, of moving that the case of rape be excepted.

The House divided:—Ayes 51; Noes 78: Majority 27.

List of the AYES.

Aglionby, H. A.
Alston, R.
Bainbridge, E. T.
Baines, E.
Barnard, E. G.
Bernal, R.
Boldero, H. G.
Briscoe, J. I.
Brotherton, J.
Castlereagh, Viscount
Currie, R.
Douglas, Sir C. E.
Ellis, W.
Ewart, W.
Freshfield, J. W.
Handley, H.
Hawes, B.
Hawkes, T.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, T. B.
Hollond, R.
Hoskins, K.
Hume, J.
Humphery, J.
Kemble, H.
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lushington, C.
Mathew, G. B.
Moreton, hon. A. H.
Morris, D.
Muntz, G. F.
Muskett, G. A.
Pattison, J.
Pechell, Captain
Phillpotts, J.
Ponsonby, C. F. A. C.
Russell, Lord C.
Scholefield, J.
Style, Sir C.
Thompson, Ald.
Thornely, T.
Turner, E.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Warburton, H.
Wilmot, Sir J. E.
Wood, B.

TELLERS.
Kelly, F.
Lushington, Dr.

List of the NOES.

Acland, T.
Adam, Admiral
Ashley, Lord
Baring, rt. hn. F. T.
Berkeley, hon. C.
Blackstone, W. S.
Blair, J.
Botfield, B.
Bradshaw, J.
Bridgeman, H.
Broadley, H.
Broadwood, H.
Burrell, Sir C.
Campbell, Sir J.
Cole, hon. A. H.
Dalmeny, Lord
Darlington, Earl of
De Horsey, S. H.
Estcourt, T.
Ferguson, Sir R. A.
Gladstone, W. E.
Gordon, R.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Greenaway, C.
Grey, rt. hn. Sir G.
Hamilton, Lord C.
Harcourt, G. G.
Hawkins, J. H.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hogg, J. W.
Hope, G. W.
Howard, hn. E. G. G.
Howard, Sir R.
Howard, hn. C. W G.
Hutton, R.
Inglis, Sir R. H.
Irving, J.
Knight, H. G.
Labouchere, rt. hn. H.
Lincoln, Earl of
Loch, J.
Macaulay, rt. hn. T. B.
Maule, hon. F.
Morpeth, Viscount
Morrison, J.
Nicholl, J.
Norreys, Sir D. J.
O'Ferrall, R. M.
Oswald, J.
Pakington, J. S.
Palmer, R.
Palmer, G.
Palmerston, Viscount
Parnell, rt. hn. Sir H.
Peel, rt. hn. Sir R.
Pigot, D. R.
Praed, W. T.
Reid, Sir J. R.
Richards, R.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sandon, Viscount
Scrope, G. P.
Seymour, Lord
Sheil, right hon. R. L.
Sibthorp, Colonel
Smith, R. V.
Somerset, Lord G.
Spry, Sir S. T.
Stuart, Lord J.
Stock, Dr.
Teignmouth, Lord
Tufnell, H.
Vere, Sir C. B.
Vernon, G. H.
Wood, Colonel T.

TELLERS.
Stanley, hon. E. J.
Parker, J.

Bill put off for three months.

CANADA—CLERGY RESERVES.] Lord John Russell moved the third reading of the Canada Clergy Reserves Bill.

Mr. *Hume* objected to the bill. As a proof that the hostility of the people of Upper Canada to everything in the shape of a church establishment was not of recent origin, but had long been entertained, the hon. Gentleman referred to the journals of the House of Assembly in Upper Canada, in which there was entered a resolution recommending the sale of the clergy reserves, and the application of them to purposes of education. The hon. Gentleman read the following extract from the journals of the House of Assembly of Upper Canada, March 12, 1831:—

"Resolution to sell the Clergy Reserves for

Education. That to terminate the jealousy and dissension which have hitherto existed on the subject of the said reserves, to remove a barrier to the settlement of the country, and to provide a fund available for the promotion of education, it is extremely desirable that the said lands so reserved be sold, and the proceeds arising from the sale of the same placed at the disposal of the provincial legislature, to be applied exclusively for those purposes. That a humble address be presented to his Majesty setting forth the subject of this resolution, and praying his Majesty will be graciously pleased to recommend to his Majesty's parliament of Great Britain and Ireland to pass an Act to authorise the sale of the clergy reserves remaining unsold, and to enable the legislature of this province to appropriate the proceeds thereof in such manner as may be considered most expedient for the advancement of education, and in aid of erecting places of public worship for various denominations of Christians."

An amendment was proposed.

"That it be resolved, that the Imperial Parliament, in pursuance of the gracious recommendation of our late revered Sovereign Lord King George Third, hath appropriated for the maintenance and support of a Protestant clergy within this province, a certain allotment of lands usually known as the clergy reserves. That the diffusion of religious knowledge and instruction, is an object of the first importance to the happiness and welfare of mankind. That the land appropriated for the support of ministers of religion in this province, having been made with a view to this object, it is repugnant to the best interests of the inhabitants of Upper Canada, to apply them to any other use."

The amendment was lost by twenty-nine to seven, being a majority of twenty-two. The original question was carried by thirty against seven, majority twenty-three. The hon. Member concluded by moving

"That this House feels confident, that, to promote the prosperity of that portion of her Majesty's dominions in Upper Canada, and to satisfy the earnest desire of the people of that province, it is expedient to give the most favourable consideration to the wishes of her Majesty's loyal subjects there; that, to terminate the jealousy and dissension which have hitherto existed on the subject of the clergy reserves, to remove a barrier to the settlement of the country, and to provide a fund available for the promotion of education, it is extremely desirable that the said lands, so reserved, be sold, and the proceeds arising from the sale of the same placed at the disposal of the provincial legislature, to be applied exclusively for that purpose."

Lord *John Russell* said, that though the arrangement made on this subject was not all he could have wished, yet it was better than leaving the question unsettled, and he therefore could not assent to the resolution proposed.

The House divided on the original question:—Ayes 51; Noes 10. Majority 41.

List of the AYES.

Alston, R.
Baring, rt. hn. F. T.
Barnard, E. G.
Berkeley, hon. H.
Bernal, R.
Blair, J.
Bridgeman, H.
Briscoe, J. I.
Broadley, H.
Dalmeny, Lord
Dick, Q.
Ferguson, Sir R. A.
Freshfield, J. W.
Greenaway, C.
Grey, rt. hon. Sir G.
Grimsditch, T.
Hamilton, Lord C.
Handley, H.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, hn. C. W. G.
Humphery, J.
Kemble, H.
Knight, H. G.
Lockhart, A. M.
Lushington, rt. hn. S.
Maule, hon. F.
Morris, D.
Morrison, J.
Muntz, G. F.
Norreys, Sir D. J.
Pakington, J. S.
Palmer, G.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Phillpotts, J.
Pigot, D. R.
Richards, R.
Russell, Lord J.
Russell, Lord C.
Scrope, G. P.
Sheil, rt. hon. R. L.
Thompson, Ald.
Tuffnell, H.
Turner, E.
Vere, Sir C. B.
Vernon, G. H.
Wood, Colonel T.

TELLERS.

Stanley, hon. E. J.
Smith, R. V.

List of the NOES.

Aglionby, H. A.
Brotherton, J.
Ellis, W.
Evans, Sir De L.
Ewart, W.
Hindley, C.
Lushington, C.
Vigors, N. A.
Warburton, H.
Wood, B.

TELLERS.

Hume, J.
Baines, E.

Bill read a third time and passed.

DRAINAGE OF LANDS BILL.] Mr. Handley moved the third reading of this bill.

Colonel *Sibthorp* opposed it. He conceived, that the bill would make a fearful inroad upon the rights of private property.

Mr. *Hodges* recommended the withdrawal of the bill until next Session.

Mr. *Handley* would persevere with the bill.

The House then divided:—Ayes 44; Noes 5: Majority 39.

List of the AYES.

Aglionby, H. A.
Baring, rt. hn. F. T.

Berkeley, hon. H.
Bridgeman, H.
Brotherton, J.
Clay, W.
Ellis, W.
Evans, Sir De L.
Ewart, W.
Ferguson, Sir R.
Fitzpatrick, J. W.
Gordon, R.
Greenaway, C.
Grey, right hon. Sir C.
Grey, right hon. Sir G.
Hawes, B.
Hobhouse, T. B.
Hutt, W.
Knight, H. G.
Labouchere, rt. hn. H.
Langdale, hon. C.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
O'Ferrall, R. M.
Palmer, G.
Palmerston, Viscount
Parker, J.
Pigot, D. R.
Richards, R.
Russell, Lord J.
Scholefield, J.
Scrope, G. P.
Seymour, Lord
Stock, Dr.
Strangways, hon. J.
Thornley, T.
Troubridge, Sir E. T.
Turner, E.
Vernon, G. H.
Warburton, H.
Wood, Sir M.
Wood, B.
Worsley, Lord

TELLERS.
Handley, H.
Pechell, Captain

List of the Noes.

Broadley, H.
Grimsditch, T.
Hoskins, K.
Vere, Sir C. B.
Wood, Colonel

TELLERS.
Sibthorp, Colonel
Hodges, T. L.

Bill passed.

Parochial Assessments.] Upon the motion of Mr. Poulett Scrope, the Order of the Day for the further consideration of the report on the Parochial Assessments Bill was read.

Mr. *G. Knight* moved, that the bill be recommitted this day three months.

Captain *Pechell* gave a qualified support to the bill, and thought it advisable to go into committee upon it, in order to rid it of its objectionable features, retaining those clauses which were likely to prove good and useful. He objected to the extensive powers given to the overseers, but approved of the proposed appeal to the borough magistrates.

Mr. *P. Scrope* hoped the hon. Gentlemen opposite would not persist in opposing the progress of the bill. In committee he should be prepared to make some alterations, in order to render it more palatable to the hon. Members who had spoken on the subject.

The House divided:—Ayes 35: Noes 12: Majority 23.

House in Committee.

On clause 4,

Captain *Pechell* objected to the amount of the penalty to be levied by this clause on overseers if they did not discharge their duty properly. He thought it ought to be reduced from *5l. to 20s.*

Mr. *Goulburn* looked on the clause as a vague piece of legislation.

Sir *A. Dalrymple* was of opinion, that it would press with too great severity on those public officers.

Mr. *P. Scrope* defended the clause, on the ground that it was necessary to prevent the frauds which often took place in rating.

The Committee divided on the question that the clause stand:—Ayes 38; Noes 14: Majority 24.

List of the Ayes.

Adam, Admiral
Aglionby, H. A.
Baines, E.
Baring, rt. hn. F. T.
Brotherton, J.
Campbell, Sir J.
Ferguson, Sir R.
Greenaway, C.
Grey, rt. hn. Sir C.
Grey, rt. hn. Sir G.
Handley, H.
Hawes, B.
Hindley, C.
Hobhouse, T. B.
Leader, J. T.
Macaulay, rt. hn. T. B.
Maule, hon. F.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Muskett, G. A.
Norreys, Sir D.
Palmerston, Viscount
Philips, M.
Pigot, D. R.
Scholefield, J.
Seymour, Lord
Sheil, rt. hn. R. L.
Smith, J. A.
Stanley, hon. E. J.
Steuart, R.
Stuart, Lord
Stock, Dr.
Talbot, C. R. M.
Thornely, T.
Wakley, T.
Warburton, H.
Wood, B.

TELLERS.
Scrope, P.
Hoskins, K.

List of the Noes.

Ashley, Viscount
Broadley, H.
Burrell, Sir C.
Dalrymple, Sir A.
Evans, Sir De L.
Gordon, R.
Goulburn, rt. hn. H.
Grimsditch, T.
Hodges, T. L.
Irton, S.
Palmer, G.
Pechell, Captain
Sandon, Viscount
Young, J.

TELLERS.
Knight, G.
Wood, Col. T.

Clause agreed to.

Coal Duties—Metropolitan Improvements.] On the question that the report of the resolution on the Coal Duties be received,

Mr. *Hawes* objected to the introduction of that bill at so late a period of the Session. He objected also to the mode in which the recommendations for the improvements had come before the House. If the coal duties were to be applied as was proposed, the whole question ought to be first inquired into. They ought firs to acertain what the duties were, whether they were necessary, and how they ought to be applied. He also would appeal to the Speaker, whether this was a public or a private bill.

The *Speaker* was understood to state, that this was one of that kind of bills, of which several had been introduced in the course of the present Session, and which seemed to partake almost as much of the character of a private as of a public measure. Under these circumstances, if his opinion were asked, he should say, that it ought, perhaps, in strictness, to be referred to the standing committee on private bills.

Mr. *E. J. Stanley* submitted that this bill ought to proceed. Its promoters had hitherto acted under the directions of the Speaker, and having been brought in, there was no reason why it should not be carried through before the termination of the present Session. Acting upon this feeling, he should press the motion, even though it were opposed by the hon. Member for Lambeth. The purposes to which the money to be raised under the bill would be productive of great benefit, not only to the rich, but more especially to the poor. The first improvement contemplated by the bill, to be founded upon this resolution, was to continue a broad street from the eastward termination of Oxford-street, through the impoverished and wretched district of St. Giles's to the broader part of Holborn. Another improvement was to open a broad and health-giving causeway through the densely-inhabited districts in the neighbourhood of Whitechapel. A third improvement was to extend a line of communication from Bow-street to the vicinity of Clerkenwell. These three improvements, all of which must be admitted to be of the utmost importance to the poor, had already received the sanction of Parliament, and needed only the means to be provided by this bill to be carried into immediate effect. By another bill which now stood for the second reading, but the execution of which was in some degree dependent upon that which was to be founded upon the resolution now proposed to be brought up, other improvements of a not less important character were proposed to be effected, and which he should have imagined not one of the representatives of the metropolitan districts would have wished to oppose. One of these was, to open a broad line of communication between Piccadilly and Long-acre; another to continue the line from Farringdon-street to Clerkenwell; a third to construct a wide and convenient street between London and Westminster bridges; (this, at least, he should have thought would have met with the approbation and support of the hon. Member for Lambeth); and a fourth, to make a direct and broader communication between Westminster and Pimlico. To achieve these important improvements—all of which he maintained would be accompanied with the utmost advantage to the poorer population of the metropolis—it was only necessary that the duty on coals should be continued for four years longer: that was to say, from 1858 to 1862. That was the object of the present measure, and he claimed for it the support of every Member who had the health of the metropolis at heart.

Mr. *Baines* observed, that the hon. Gentleman had omitted to enumerate one of the striking advantages of the bill, which was, that it went to impose a tax which nobody would live to pay. He meant nobody who was now alive.

Mr. *Goulburn*, yielding to no one in a desire to improve the healthiness of the metropolis, still thought that there were several very serious points of consideration arising out of this proposition. He, for instance, residing in Surrey, at a distance of twenty-one miles from town, was a contributer to the London coal duties. But he had no greater interest in the improvement of the metropolis than those who lived in other counties, and at a greater distance. Why, then, was he to be taxed for a period of four additional years for a benefit which he could enjoy only in common with all the rest of the kingdom? If these improvements were to be effected at all, he thought it should be at the expense of the country at large, and not at the cost only of the few counties which happened to surround the metropolis. He was also of opinion, that the practice of prolonging duties of this description, in order to work out objects of the kind now proposed, was highly objectionable. At all events, before any final decision were come to, he thought all these points ought to be seriously considered.

Mr. *Warburton*, at the commencement of the Session, had understood one of the members of the Government to give a distinct assurance to an hon. Gentleman connected with a northern county, that no prolongation of the coal duties would be proposed for the purpose of carrying into effect the projected improvements in the metropolis. He agreed with the right hon. Gentleman who had last spoken, in thinking that the proposition now before the House opened several important points of consideration; and for that reason he was of opinion that all further proceedings upon the subject ought to be deferred till the next Session.

Lord *Granville Somerset* expressed his determination of voting with the hon. Member for Lambeth, in opposition to the bill. He would rather that a tax of this kind should be made permanent, and the proceeds of it be devoted to some fixed and definite purpose, than that it should be prolonged from time to time for uncertain periods and for uncertain objects. In his opinion the alterations now contemplated, however much they might tend to beautify the metropolis, and to increase the conveniences of the rich, would confer no benefit upon the poor, and contribute but little to the improvement of the general health.

Mr. *Wakley* said, that the opposition to the present bill came too late, for no objection had ever been raised to the recommendations of the committee till now that they were about to be carried into effect. He maintained that the improvements proposed were essential to the public convenience and also to the public health. As to the funds for making these improvements, no hon. Member had told the House whence they might derive them. They must be had from some source, and he thought that the proposed duty on coals was as unobjectionable a source as could well be conceived. It would not do for hon. Gentlemen opposite to object to the tax because the improvements were to be of a local nature. It was only last night that they had voted 5,000*l.* out of the public funds to some people in Scotland to enable them to build a hall for the meetings of their Assembly. But if the hon. Member for Lambeth, entertained an objection to the tax on coals, he wished to ask that hon. Member whether he would support a tax on tallow—or on soap. Why, then, did he object to the tax on coals, without being prepared to offer any other taxation in its place? Hon. Members were much mistaken if they supposed that all that related to the public health was not fairly discussed by the committee. In the course of one of the proposed new streets, that from Farringdon-street to Clerkenwell, was situated a district in which typhus fever always prevailed to a most alarming extent, and to the manifest danger to the lives of some of the Gentlemen opposite. By the proposed improvement, however, this nuisance would be almost got rid of. In addition to this, he saw in the expenditure of the money on such works a great advantage to the working classes in the metropolis, and, under all the circumstances, he did not think it possible to find a more unobjectionable source from whence to raise the money by taxation. If any hon. Gentleman would point out a source of taxation less objectionable than the present he would give him his support, but in the absence of any such proposal he did not think he could do better than support the measure of the hon. Member for Cheshire, believing that it went to confer a great good on the people of the metropolis.

Mr. *Aglionby* said, that a committee of the House of Commons was the worst tribunal which could possibly exist for the distribution of the funds to be raised under a measure such as the present. He thought that a board should be established for this purpose, as it was a most onerous and most invidious duty to be undertaken by Members locally interested in the proposed improvements. He found that the Commissioners of Woods and Forests, had only to see that the improvements were carried into effect; but he thought it would have been much better had they possessed the power of distributing the tax which Parliament was about to levy. At all events, he was of opinion that no hon. Member who had a local interest in the matter ought to take any part in the distribution of the tax, which he considered a most objectionable one, as it pressed most severely on the poor.

Dr. *Lushington* said, that his constituents had a deeper interest in this matter than any other party concerned. For himself, he originally objected to the tax on coals, nor would he have consented to the continuance of it, had it not been demonstrated to him that this would be for the advantage of the public. In all the meetings that had been held in the Tower Hamlets, not one dissentient voice had been raised against the continuance of this tax for the improvement of the metropolis. He represented a population of 400,000 persons, who were unanimous in favour of the measure; and surely their opinions were entitled to some consideration. The noble Lord the Member for Liverpool, said that he wished to see improvements having a sanatory tendency. To that he had no objection, but the fact was, that the proposed improvements would tend to the health and happiness of the people of this metropolis. Did any man know the horrors and disease that existed in one of the districts in which the improvements had taken place? If he did, he would know that the removal of these evils was essential to the diminution of crime—of human suffering—and necessary to raise the lower orders to that state which every man of common humanity would wish to see.

The House divided: Ayes 38; Noes 10; Majority 28.

List of the AYES.

Adam, Admiral
Baines, E.
Baring, rt. hn. F. T.
Bramston, T. W.
Brotherton, J.
Burrell, Sir C.
Campbell, Sir J.
Clay, W.
Evans, Sir De L.
Gordon, R.
Greenaway, C.
Grey, rt. hn. Sir G.
Handley, H.
Hindley, C.
Hobhouse, T. B.
Hoskins, K.
Leader, J. T.
Lushington, rt. hn. S.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Muskett, G. A.
Parker, J.
Pechell, Captain
Pigot, D. R.
Scholefield, J.
Scrope, G. P.
Seymour, Lord
Sheil, rt. hn. R. L.
Smith, J. A.
Steuart, R.
Stuart, Lord J.
Stock, Dr.
Talbot, C. R. M.
Wakley, T.
Wood, B.
Wyse, T.
Young, J.

TELLERS.
Stanley, hon. E. J.
Maule, F.

List of the NOES.

Aglionby, H. A.
Broadley, H.
Dalrymple, Sir A.
Ferguson, Sir R.
Goulburn rt. hn. H.
Irton, S.
Philips, M.
Sandon, Viscount
Somerset, Lord
Thornely, T.

TELLERS.
Hawes, B.
Warburton, H.

The resolution agreed to. Bill ordered to be brought in.

* * *

HOUSE OF LORDS,

Thursday, July 30, 1840.

MINUTES.] Bills. Read a first time:—Slave Trade Treaties; Sugar (Excise Duties); Drainage of Lands; East India Shipping.—Read a second time:—Admiralty Court; Non Parochial Registers; Metropolis Improvement; Court Houses (Ireland); Toll on Lime; Imprisonment for Debt Amendment.—Read a third time:—Turnpike Acts Continuance; Turnpike Acts Continuance (Ireland); Soap Duties.

MUNICIPAL DISTRICTS (IRELAND).] Viscount *Duncannon* moved the second reading of the Municipal Districts and Compensation to Corporate Officers (Ireland) Bill. The bill, he observed, contained provisions which were in conformity with the wishes expressed by noble Lords on a former evening. It contained clauses for compensation, clauses for regulating boundaries, and clauses for the *maximum* of taxation with reference to rates.

Lord *Lyndhurst* was quite satisfied with the manner in which this bill was framed. It was calculated to carry into effect the views of himself and his noble Friends, and he, for one, readily consented to it.

Lord *Brougham* was not at all surprised to hear his noble Friend express his approbation of the bill, for he believed the measure to be wholly and entirely his work. Indeed, his noble Friend seemed to have had the matter all his own way. The Irish Municipal Corporations Bill had, it appeared, been postponed, with the understanding, that unless certain amendments were introduced, the noble Duke opposite and his noble and learned Friend would oppose that measure on the third reading. This new bill was in consequence introduced, although in 1838 there was an understanding that the Irish Municipal Corporations Bill would be allowed to pass without any such measure being attached to it as that which was now under consideration.

The Duke of *Wellington* said, this question of Irish Municipal Corporations had been under discussion for several years, and, as the bill for settling that question was now about to be passed, he hoped that no contest would be raised on either side of the House to retard that event. It was, he conceived, most desirable that this subject should now be set at rest for ever.

Lord *Brougham* said, he had no desire to create any contest. As to the concession which had been made to the opinion of noble Lords opposite, he did not mean to express any disapprobation of it. He should only say that he and his Friends had not got such terms as they had hoped for—namely, that the Irish Corporation Bill would have been allowed to pass unaccompanied by the present measure.

The Marquess of *Lansdowne* said, the great question was, whether the division of districts was to be vested in the town-councils or the grand juries. He still retained his opinion, that it would be better if the power were given to the town-councils. But still he thought that that was not a point of sufficient importance to justify any delay in passing a measure of so much interest as the Irish Municipal Corporations Bill.

The Earl of *Haddington* regretted that the clause which he wished to introduce on the subject of compensation had not found favour in another place. It was a clause which would have become law, if the Irish Municipal Corporations Bill had passed in 1838. The clause simply went to allow officers employed under the present corporations three months to consider of their resignation; and if within those three months they thought proper to retire, that then they should, like other parties, be allowed proper compensation.

Lord *Carbery* complained of the injustice which the city of Cork would suffer in consequence of the new settlement of the boundaries. Persons connected with a district comprising sixty-five square miles round Cork would have the power of voting for a rate to which they would not contribute one farthing.

The Bishop of *Exeter* said, the question was not whether this bill was in conformity with any preceding proposition. No; the matter for the consideration of that House was, whether the measure contained provisions that were unjust in themselves, and were likely to lead to consequences that their Lordships might hereafter deplore. If the statement of the noble Baron (Carbery) were correct, the operation of this bill was calculated to produce most mischievous results. By whomsoever the blunder had been committed, it was a blunder that was calculated to affect most injuriously the Protestant interest in Ireland, by extending the right of voting beyond what was contemplated by the Reform Bill. In his opinion, they could not pass it without sacrificing the Protestant interest in Ireland, and he trusted that their Lordships would do their duty by rejecting the measure.

Bill read a second time.

AFFAIRS OF THE EAST—FRANCE.] Viscount *Strangford* rose for the purpose of putting a question to the noble Viscount, at the head of her Majesty's Government, respecting a rumour which for some time past had been very prevalent, and which related to a subject of the very highest importance. The matter was so urgent and of such great moment, that he hoped the noble Viscount would not feel it to be inconsistent with his public duty to impart that degree of information which, if it did no more, would abate the anxiety of the public mind. He had no wish to lead the noble Viscount into any statement of details—he merely wished him to say whether or not there was any foundation for the rumour to which his intended question related. For some days past the newspapers both in France and in this country, but more generally in France, had been filled with confident statements to the effect that formal diplomatic arrangements had been entered into between this country on the one hand, and certain great continental powers on the other, respecting a settlement of the differences between Turkey and Egypt, and that France was neither a signing nor a consenting party to that arrangement. He did not desire, that the noble Viscount should state any of the conditions of that arrangement, he merely sought for information with respect to its existence or non-existence. It was a subject upon which the public would gladly receive any information, as the result must materially affect the value of public securities.

Viscount *Melbourne* said, it was perfectly true that negotiations had been entered into on the subject to which the noble Viscount referred between this country, Austria, Russia, Prussia, and the sublime Porte, with a view to the pacification of the Levant. It was also perfectly true that those negotiations had been considerably advanced, but he never regarded such matters as settled until they were ratified; therefore all he could now say, was, that such negotiations were going on.

Lord *Brougham* said, that he was chiefly alarmed by that portion of the statements referred to which alleged that no communication had been made to France till after the completion of the treaty. That which he wished to know was whether all communication on the subject had been withholden from France?

Viscount *Melbourne* replied, that communications had been made to France upon the subject, but that France was not a party to the treaty.

Subject dropped.

Ecclesiastical Duties and Revenues Bill.] On the question that the House resolve itself into a Committee on the Ecclesiastical Duties and Revenues Bill,

The Bishop of *Exeter* said, that before their Lordships proceeded to consider this bill in committee, he wished to trespass upon their indulgence by making a few observations. He had been deterred from doing this upon the night when their Lordships gave the bill a second reading, in consequence of the late hour to which the discussion of that evening had been protracted, and also by a wish on his part to leave as much time as possible to those of his right rev. brethren who then addressed the House, and who were not so much in the habit of troubling their Lordships as unfortunately happened to be the case with him. In looking at the bill, the object of which was to settle the duties and revenues of the Church, he could not help noticing, in the first place, a matter which appeared to him of no trifling consideration—namely, that the clergy had had no opportunity of expressing their sentiments with reference to the proposed measure until after the ecclesiastical commissioners had actually made their report. From the time the suggestions in the report became known, the expression of their dislike became general; there was not one petition in favour of the bill till within these few days, when the minor canons addressed the House on the subject; yet Parliament heard nothing of them until the other House thought proper to give to the minor canons an interest in the patronage of the chapters. He had himself presented a petition from the vicars-choral of Exeter against the bill, and he had understood from one who was not likely to be uninformed on the subject, that petitions had been presented to the other House bearing from 3,000 to 4,000 signatures. Of this he felt assured, that many petitions had been presented to the Commons, of which no duplicates had ever reached their Lordships. He might say, that the whole of the clergy were opposed to the measure, and he would illustrate this by mentioning the fact, that in one district of the diocese of Gloucester, where the number of the clergy was only fifty, there were forty-seven who had petitioned against the bill, and but one of the number was really in favour of it; the remaining three or four merely declined signing because they were tired of petitioning, and thought that no good could arise from it. Let their Lordships recollect that this occurred in a diocese where the bishop was a member of the commission. It would probably be remembered by many who heard him, that this subject had been brought under the consideration of the bishops by that Government at the head of which was Earl Grey. After the Reform Bill became law, the Government of that period thought it necessary to look abroad amongst the other institutions of the country for the purpose of seeing what further changes might be effected. At the suggestion of the noble Earl, the most rev. Primate called a meeting of all the bishops, which he attended in the dead of winter, at considerable hazard to his health, and at that meeting, though many subjects were brought forward, yet there was only one point on which they had much discussion, and that was this very subject of deans and chapters. On that occasion he was bound to state that his right rev. Friend (the Bishop of London) advocated the principles upon which the present measure was founded, and in that view of this important subject his right rev. Friend was supported by only two of the bishops. He, and those who thought with him, had, on that occasion, the sanction of the most rev. Primate. On that day, he led the opposition to the principles of the bill, which, as their Lordships knew, were identical with those of the report. Never had there been a more able, a more honest, or a more determined opposition than that which the most rev. Primate offered to the views of his right rev. Friend. That meeting came to a determination which, in effect, amounted to this—that while they were most anxious to render every institution of the Church conducive to the spiritual instruction of the people, they felt it their duty to insist that every one of those institutions be preserved in its full integrity, and they all withdrew from that meeting with the understanding that they were to devise with their chapters the modes best calculated to produce that result. He had already described to their Lordships, the circumstances under which the meeting of the bishops had been called—he had described what took place there, and he had alluded to its results. He was bound, then, to say, that that was not the manner in which bishops ought to be treated. It would have been more merciful to them at that season of the year to have left them at home, and not summon them to a meeting to be afterwards laughed at; yet the most rev. Primate had told their Lordships that the present was no new measure—that it had long been in his mind. The most rev. Prelate had told the House that he went to the noble Duke with measures to correct some of the evils which surrounded the spiritual condition of the people of this country; and the noble duke in that frank, wise, and just manner, which was to be expected from him, said that the Church must do something for itself before it could hope to receive the help and co-operation of the Government. He applauded that sentiment of the noble Duke—it was just what was to be expected from him; and that sentiment did the noble Duke great honour. But he confessed he was greatly astonished afterwards to hear it advanced as a reason for cashiering the deans and chapters. He was applied to for his opinion upon this subject. He would only recall to the recollection of their Lordships that it had been said, that "some of those who were the least sparing in their attacks both upon the appointment of the commission and their recommendations, did not hesitate to furnish suggestions, some of which, it was perfectly well known, were incorporated with the plans of the commissioners." Now, it was quite true that he did make suggestions: the most rev. Prelate applied to him for his opinions. After he had given them, the most rev. Prelate told him that his Majesty was about to issue the commission, and requested permission to lay his papers before that commission, and that was the way in which his suggestions had been given to the commissioners. A correspondence took place upon the subject, and here he would take the liberty of noticing what he had not had an opportunity to notice before, that it was actually stated in the journals of the day that he had done all this from base motives, or from a desire to court popularity. He thought their Lordships would see, then, that he was not going too far in giving this explanation of the matter. But the grounds of his astonishment did not end there. In those papers he stated the case in the strongest way, and argued with all the power he could in favour of that cause, which was, at that time, supported by the most rev. Prelate; therefore, he had not the slightest objection whatever that the suggestions which he had thrown out should be made known, for their Lordships would be perfectly convinced that there was no inconsistency in what he then did, and what he was now doing; neither was there inconsistency in anything he had ever done on the subject. But he wished to let those matters alone. He had only alluded to them in duty to himself and to the Church, and because he heard the authority of the most rev. Prelate quoted by all sides in favour of those propositions, and particularly by many lay peers. He thought it was due to the cause he was bound to support to state those circumstances, which appeared to him materially to impair the authority and judgment of the most rev. Prelate. He would now proceed to speak of the principle of this bill, which might be fairly stated in this way:—"In consequence of the extreme and admitted spiritual destitution of large portions of the population of this country, it is necessary to find funds wherewith to meet that destitution, and that one measure absolutely essential to that end is, that these stations should be deprived of their emoluments, and reduced to find means to be so applied." Now, he must be permitted to say, that if this bill were in itself such a measure as would tend largely to deteriorate the character and efficiency of the Church, he should hold that such an effect was a very great set-off against any advantages that might spring from its tendency to meet the spiritual wants of numerous portions of our countrymen. By depriving the Church of the benefits of those establishments which were now proposed to be done away a considerable deduction was made from the value of the bill. It had been stated by the highest authority, the most rev. Prelate himself, that the two great objects in view were, that there should be a transfer of cathedral property, leaving a sufficient number of canons for the due performance of divine service, and of funds for the sustentation of those magnificent fabrics. Those were the words of the most rev. Prelate, for he noted them down at the time. The noble Viscount (Melbourne) went the full length of saying, that "there could not be a doubt as to the general principle, that these institutions had no other duties (being sinecures) than the sustentation of the fabrics, and the due performance of divine service." Now, he could by no means admit that they were sinecures. He did not charge the noble Viscount, but other persons, with saying that they were sinecures. One could not walk the streets without hearing them repeatedly called sinecures. Some great persons had said, "We have done away with sinecures in the state, and we must now suppress those of the Church." They were no ordinary individuals who used that language, and it was upon the principle expressed in that language that the present bill proceeded. But those offices were not sinecures. They were not offices *sine cura animarum*. They were to maintain the services of religion, to preach the word of God, and thus they were to perform duties involving the care of souls. The cathedral was the mother church of the city. It was not a mere extra parochial church, nor a special parish church, but the mother church of the diocese—the church to which all the other churches of the diocese owed their allegiance. This was no inconsiderable point of the question. The preaching in cathedrals was usually of a superior character to that of the ordinary churches. He did not affirm that it was always so, but generally speaking it was so. Hence people resorted to the cathedrals to hear superior sermons, and no doubt when any of their Lordships happened to he sojourning in a cathedral town they took the opportunity of visiting that edifice—

> "Not for the music, but the doctrine
> there."

It was therefore necessary to secure persons of high qualifications to fill the offices in connexion with cathedral establishments. But the indirect advantages of these institutions were enormous. It had been jocosely said, that it was scarcely worth while to keep them up in order that they might perform duties which they had neglected to discharge for the last 300 years. But were there no benefits conferred upon the Christian population of this land by the residence of those who performed the offices of the cathedrals in the cathedral towns? The residence of a body of men of superior education, of tried experience, and of endowments of a high order, gave to provincial districts a high tone of sentiment, a love of literature, and a respect for all the best institutions of the country. Those, he confidently stated, were some of the fruits and experienced benefits of the residence of such men in such places. He could speak from experience with respect to the city with which he was connected. For a long series of years the Cathedral of Exeter had received the high respect of the inhabitants, from the high character of those who filled its offices. That cathedral had largely contributed to support the high principles for which that city had been celebrated. He did not wish to compare it with other cities, but he would say that Exeter was celebrated for those high principles in a degree which no other part of England had exceeded. Was that a trifle? A population of 40,000 persons had received prodigious and incalculable spiritual advantages from the Cathedral of Exeter, or rather from the body of nine persons connected with it—persons who largely contributed to the maintenance and promotion of all that was excellent in morals and sound in religion, and who had embued the minds of the youth of that city with respect for religion and attention to those duties which in after life would be demanded of them. Surely, then, there was sufficient reason why their Lordships should pause before they did anything to impair or destroy institutions which conferred so many advantages on the surrounding population. But this was not all. He was not going to contend that secular rewards should always be held out to the clergy as inducements to a proper discharge of their duty. He thought it was of inestimable importance to the country that there should be gradations in the clergy, in order that every rank of society should receive spiritual instruction, and that the clergy as a body might be able to point out to all in their respective stations the duties which became them, and which as Christians they must discharge. It would not do, therefore, for every clergyman to be a man of wealth, and, generally speaking, the clergy were poor for their station in society. But then their connexion with their brethren, those who held offices in cathedrals, was calculated to gain for them a respect and a consideration which otherwise they could not perhaps receive.

Thus these cathedral preferments became the means, in a cheap way, of endowing the clergy, and giving them that consequence in the estimation of the people which they ought to enjoy. What was the case in Exeter? There were about thirty clergymen in it. Of these perhaps twenty were parochial clergymen. They were rectors chiefly, not interfered with by moduses or circumstances of that kind. But their income was so small that they could not approach the higher society of the city, if they were not sustained by that high consideration for their character which was awarded in consequence of the influence produced by the resident prebendaries and other officers of the cathedral of Exeter. By means, then, of these institutions, the clergy obtained respect amongst the inhabitants. A kind of moral elevation in society was conferred on those clergymen in Exeter, several of whom, as the noble and learned Lord on the woolsack well knew, did not receive 100*l.* a-year for their services. But there was another advantage he would claim, although he knew it would not be admitted by the noble Viscount, who sneered at the notion of the bishop taking counsel of such persons as the canons of a cathedral, and said that a bishop should judge for himself, and that the fact of his being a Member of that House was a security that he would discharge his duties properly and efficiently. Now, he would go as far as the noble Viscount in saying that the presence of the bishops as members of that House was a security for the proper discharge of their duties to their brethren; for if ever they were guilty of any act of oppression towards a brother, they would assuredly be called to account for it in that House. But that was not enough; and he frankly told their Lordships that such a consideration had not the slightest weight with him. It never entered into his calculation in the discharge of his duty how much or how little he might be responsible to that House or not; at the same time he hoped he should never incur the censure of that House; but if he should, he trusted he should feel it as deeply as it was possible for any man to feel it, because he was sure that the censure would be just or it would not be expressed. But the anticipation of any censure from that House would never have any effect upon his conduct. But he felt that he should require support if he had to consider how he was to deal with a refractory clergyman, and how he was to act in cases of difficulty in other parts of his duty. In such cases it would be of immense advantage to be able to send for the residentiary canons, who were next door to him, as it were, or for the dean, to talk the matter over; and in one of the most important cases he had ever had to deal with, when he had occasion to call to account a clergyman, who appeared to him to have neglected one of the most important of his canonical duties, he sent for all the canons, who were good enough to come, and he had the satisfaction of receiving their support and assistance in the matter. That was a thing not to be thought of lightly. He knew he should be told that four of these persons would yet remain; but he did not think that the smaller number would prove more useful in this respect than in others. There was another important view of the case. These spiritual persons were scattered over the diocese, and thus they connected the diocese with the cathedral; the whole diocese in consequence looked up to the place where the cathedral was fixed, and they looked to the cathedral as the mother church, and as the centre of ecclesiastical union amongst them. The noble Viscount (Viscount Melbourne) had thought fit to say the other night, that theology was a very good thing in its way, but we had enough of it. He had taken down the words of the noble Viscount, spoken, as they were, in very choice English. They were—"The study of theology may be a very good thing in its way, but it is not a thing that we want in these days." That was a very important admission for the noble Viscount to make, because it went to explain something that never was explained before. It would be in the recollection of their Lordships that a very few years ago there was a vacancy for a regius professor of divinity at Oxford. It got wind at Oxford that it was the intention of the noble Viscount to advise King William 4th to place in that post an individual whom the University of Oxford thought most unfit to be intrusted with the duty of giving instruction in theology there. He had been assured that representations were made to the most rev. Prelate on that subject, and he was requested to lay the objections to the appointment before his late Majesty; and he had reason to believe that they were made known to that Sovereign. But notwithstanding the appointment took place. It was clear, then, that on that occasion the noble Viscount did not think theology a grave subject with the University of Oxford, or he would not have insisted upon that appointment being made. But there was something else that astonished him infinitely more; it was, that the noble Viscount should have been permitted to make such a declaration in the presence of a most rev. Prelate, and several other Prelates who were his colleagues in the ecclesiastical commission, and who joined in making the recommendations upon which this bill was framed, without receiving from any one of them a rebuke. Not one of them all had ventured to reprove the noble Viscount for using such language. But it was language for which he ought to have been rebuked, and he therefore entreated the noble Marquess (Marquess of Lansdowne) to tell the noble Viscount (Viscount Melbourne, who was momentarily absent) what took place, and were the noble Viscount present, he should beg the noble Viscount to understand that he was rebuked by him for using that language. In the bill before their Lordships there was a provision announcing in its recital, that whereas her Majesty had expressed her royal will and intention to found two new professorships in the University of Oxford, it was expedient to make some permanent endowment for them, and then the bill went on to enact that the two next canonries of Christchurch which should fall vacant should be applied to form such an endowment. Now, he would ask, what were the subjects on which these two new professors were to give instruction to the University of Oxford? The subject was not theology, certainly. But if it was not theology, was one of the subjects to be geology? No, that would be too close a connexion with theology. He hoped, however, that their Lordships would not agree to pass that clause until they received satisfactory information on the subject. If the Government did not tell the House what it was that the two new professors were to teach, he trusted that their lordships would not agree to the grant of these two canonries for an endowment. Their Lordships had been told that cathedral institutions had done very little good to the country. Now, he thought it must be admitted that they had at least done some good, and he thought that they might be made to do much more. Let them be called upon to perform a greater amount of duty, but let not the church and the country be deprived of the great benefit which had already been derived from having such bodies. He entreated their Lordships to consider whether the existence of these bodies did not largely contribute towards the maintenance and support of those principles which it had hitherto been the boast of this country to assert and uphold. He therefore earnestly begged of their Lordships to do everything in their power which could have the effect of making these institutions more serviceable to the country, and then, if the parties now members of those bodies shrank from the performance of the duties assigned to them, he should be ready to abolish the institutions altogether. But let not these institutions be destroyed without an effort to augment their utility. If their Lordships destroyed chapters, they would at the same time destroy charters, which used to be considered sacred, and all for the sake of obtaining a revenue of 130,000*l.* The same principle would hold equally good if any of their Lordships were to be deprived of their estates. It had, indeed, been truly said, that this 130,000*l.* would enable the Church to take care of a very large portion of the country which was now in a state of great spiritual destitution. He did not deny this; but was it necessary to get this 130,000*l.* from the deans and chapters? The Government had said, that they could not go to the House of Commons and ask anything for the Church unless the Church did something for itself. Now, he was not only willing that the Church should do something for itself, but that the Church should do everything it could for itself, even in the way of raising money out of its own resources to supply the spiritual necessities of the people. But he would infinitely rather that this sum should be made a charge upon existing deans and chapters than that any one of them should be abolished. This proposal was not made to serve the present turn; he had long entertained this opinion, and had put it before his clergy, who had expressed their concurrence in it. The deans and chapters had as much right to their property as their Lordships had to their estates. He might be told, that the architectonical wisdom of the Legislature might regulate the application of the property of the Church, but the same architectonical wisdom might with equal justice lay down regulations for the distribution of their Lordships' private property. The estates of a noble Marquess, or a noble Duke, might produce more than 130,000*l.* a-year, and the Legislature might enact that he should enjoy his estates for his life, and that after the existing limitations had taken effect—for the principle was to preserve vested interests—the whole of his property should be applied to relieve the distress of Glasgow or Paisley. Let their Lordships, however, without violating any principle of property, see what the Church could and would do. He believed that the returns of the amount of Church property showed that the aggregate income of the twenty-six bishops was about 150,000*l.*, and about 200,000*l.* a-year was derived from the revenues of all the chapters. But did these individuals and these bodies make the most of their property? He believed not. If it were dealt with as lay property was dealt with, it would certainly produce much more. He asked, therefore, the noble Viscount to enforce on the bishops, and on the deans and chapters, the duty of making as much of their property as it would fetch, and then there would be enough to meet the demands which were made by the spiritual destitution of the country. He would point out a way, too, in which this vast spiritual destitution might be remedied without interfering with the vested interests of the deans and chapters. A right rev. Friend of his told their Lordships some time ago a little history which he thought very amusing. His right rev. Friend came down to the House and gave vent to his indignation at—for he would call things by their right names—the perfidy of the conduct which the Church commission had experienced from the noble Viscount and his colleagues. His right rev. Friend said, that there was an end of all communication together between the Prelates and the other commissioners. His right rev. Friend had also stated, in a charge to his clergy, that upon Sir Robert Peel's retirement from office, the proceedings of the commissioners were for some time suspended, but as soon as Lord Melbourne had settled his administration, he made known to the Archbishop of Canterbury the wish of the Government, that the commission should be renewed, with a change merely in those members of the commission who had been members of the former Government. Before, however, the Prelates agreed to that request, they required a pledge from the Prime Minister, that the commission should be formed upon the same principles as before, and that no measure affecting the property of the Church should be introduced into Parliament with the consent and sanction of the Government until an inquiry had been instituted by the commission. The pledge was given, a new commission accordingly issued, and the inquiries, which had been for a short time suspended, were resumed. Unanimity among the members of the commission continued up to the time when Ministers took measures for bringing the property belonging to deans and chapters under the control of Parliament, with the avowed intention of applying the sums obtained from the improved value given to the property in aid of the money lost to the Church by the abolition of church-rates. This being regarded, as well it might, as a violation of the pledge which had been given by the Prime Minister, the Prelates announced, that they could no longer take any part in the preparation of measures relating to the property of the Church. His right rev. Friend had told their Lordships, that the question of a different management of the property of deans and chapters had been very much considered in the commission, as it was one considered likely to give a much greater value to the property of the Church. However, the commissioners, excepting those who were members of the Government, signed a representation declaring to the ministers, that they could no longer meet them till this measure of perfidy had been withdrawn. The Government were at that time ready to violate the law to gratify the Dissenters, and it remained to be seen whether they would be willing to act in accordance with the law in order to relieve the spiritual destitution of the Church. Now, all the money that was wanted might be obtained by an improved method of dealing with Church property. The statute of Elizabeth was not meant for the benefit of lessees, but was intended to restrain lessors from impoverishing property of which they were the mere usufructuaries. 1,000,000*l.* sterling might be obtained, therefore, by this method, which would be sufficient to endow 3,000 or 4,000 benefices, and relieve the great spiritual destitution which prevailed. If, then, this course was just and reasonable, why should it not be adopted? The present bill did not present itself in so well-considered and perfect a form as might have been expected from the recommendation of the eminent individuals concerned in the commission. Its provisions were, in truth, marvellously ill-considered. The bill left to the cathedral of St. Paul, in London, the four canons residentiary which it already possessed, with all their revenues, while it took from that of Exeter the four canons it now possessed and their revenues. This, he thought, was enough to prove to their Lordships, he did not say the injustice of the measure, but the negligence of the commissioners, in not making the proper inquiries. He submitted to their Lordships, that it would be only fair to leave it to the commissioners to satisfy themselves whether they ought not in certain dioceses to enlarge the number of the prebendaries. He would ask only this—that they should be enabled to go to the extent of six in any diocese, and not more. He believed that such a measure would be found just and right for many reasons. It was absurd to say, that there was no difference between a large and small diocese in the demand for some of the purposes which they were instituted to serve. He hoped the most rev. Prelate would not be displeased with him for what he was now going to say, but would rather give him thanks for it, but he must declare, that the bill dealt with the metropolitan chapter of Canterbury in a manner perfectly disgraceful. That was a chapter which had existed since the time of St. Augustin, who founded the Anglo-Saxon church, having succeeded to the greatest part of the property and privileges of the metropolitan abbey of Canterbury, Under the present constitution of the Church, the most meritorious of the clergy of the diocese might expect to become canons, but the present bill, if it passed, would cut off almost all chance of this. Without any shadow of justice, but merely as a matter of convenience, the commissioners proposed to sweep away the charters of vicars choral, which had existed for 600 years. He must say that this was the last place in the kingdom in which he should have expected any favour to be shown to such a proposition. Charters used to be considered rather serious things, although of late years he admitted they had lost much of the sacredness of character they once possessed with their Lordships. He was aware that they were now too often considered what Mr. Burke never ceased to be reproached for having once called them, "pieces of parchment with bits of wax at the end of them." Some of the provisions of this bill were absolutely monstrous, showing a direct disregard of things hitherto considered sacred in this country. He would venture to say that the grievous injustice and absurdity of these provisions never would have found an author, if the preparation of the bill had been intrusted to any single Member of the commission. Not one of those eminent persons, he dared to say, possessed a mind so miserably small as to be capable of devising such a scheme. No; it required the united crotchetyness, the no-wisdom of the whole body, to recommend such a measure to their Lordships. He implored those most venerable men to consider well what they were doing, and what was within their power. He had pointed out a mode by which, in strict compliance with the spirit of English law, their Lordships might afford relief to that enormous evil of spiritual destitution, which had been so greatly exposed. He called upon them, by all the considerations which could weigh with men of their station and qualities, to give effect to that course, or to show that they could not, consistently with justice, do so. Let them satisfy him of that, and he would not ask them to adopt it. Let them show that he had demanded what could not be granted with justice, and he would be content that they should refuse it; but he said that they must adopt that course, so far as was consistent with justice, or be assailed by reproaches in their own breasts far more cutting than any that could proceed from him. Their adversary he was not; he venerated the first among them in a degree he could not express, but it was because he did so that he now called on that most rev. Prelate in the presence of the bench of bishops, who were witnesses to his adulation, and upon his right rev. colleagues, to do their utmost to obtain this great boon, which would satisfy one of the most obvious claims of justice. It might be that some who now heard him would lose various amounts of beneficial interest by acceding to the plan he proposed; but, knowing as he did what were the high principles which actuated the nobles of this land, he did not believe that many among them would be so forgetful of their duty to themselves, their country, and their God, as to refuse to rescue millions of their countrymen from that depth of vice, ignorance, and sin, in which they were at this moment plunged. For himself, he should only say, that within the narrow limits in which he had provided for those who were most dear to him, when God should please to take him hence, he had done so in a great degree by means of Church leases. Holding the opinion he had endeavoured to express, he now declared most solemnly that he was anxious their Lordships should strip his family of the beneficial interest which was inconsistent with justice to the interests of the Church. In saying so he believed he but expressed the sentiments of every right rev. Prelate who had benefitted by this species of property. He called on their Lordships to adopt a general measure, in order to give to Church property its due value, and enable Parliament to redress one of the greatest practical evils which had ever afflicted this country.

The Archbishop of *Canterbury* rose for the purpose of setting the right rev. Prelate who had just sat down right upon a point on which it was quite evident that he had misunderstood him. The right rev. Prelate understood me to say, that I had gone to his grace the Duke of Wellington, and afterwards to Earl Grey, and had expressed to them my desire for a Church reform. Now, what I stated was this, that the very words which the noble Duke used in his place a few nights ago with respect to this measure, were the words which he employed to me in a conversation, upon this subject. I said, that I had had several confidential communications with the noble Duke upon this subject. The noble Duke told me that something must be done upon it, but that that something must in the first instance come from the Church. I said, that subsequently, when Earl Grey succeeded to the administration, he held to me the same language. Then the right rev. Prelate adverts to a message on the subject which I received from Earl Grey, and which I communicated to the rest of the bishops at Lambeth. I cannot charge my memory with the exact terms which I then used, but I am ready to receive as correct his statement of what I then said. The right rev. Prelate says also, that because I agreed to that statement, and carried back an answer from the bishops to Earl Grey's message, I was of the same opinion with him up to the year 1834. Now, in my own justification, I must state, that my opinion of reform did not go so far then as the right rev. Prelate has stated. I was very unwilling at that time to be a party to any measure of Church reform—for such was the excitement then existing in the public mind, that I could not bring myself to believe that Church reform could then be entered on with safety to the Church itself. I thought, however, then, as I think now, that something was necessary to be done, but I hardly saw with whom or in what manner that reform could be originated until I saw the formation of the Administration of Sir R. Peel, and until that right hon. Baronet had stated his views upon the subject. In those views I gladly concurred, and the issuing of this commission was the result. I therefore trust that I have now said sufficient to prove that there is no inconsistency on my part with respect to the opinions which I held and expressed up to the year 1834.

The Bishop of *Exeter* was understood to corroborate his former statement by a reference to a charge delivered by the Bishop of London to the clergy of his diocese in the year 1837. His right rev. Friend, in alluding to the outcry which had been raised against the Church Commissioners, said, that it had been stated by the Archbishop of Canterbury, in his speech to the House of Lords in the year 1836, that "he had long been aware of the necessity of taking strong measures for the correction of the abuses and for the remedy of the anomalies which had crept into the church." His right rev. Friend added, that the Archbishop said, "that the first step after his accession to the primacy was to confer with the noble Duke on the subject of these abuses and these anomalies, and that a bill for their correction and removal was ready at the time when the change took place in the Administration."

The Archbishop of *Canterbury*.—That is perfectly true. I have said that I had conferred with the Duke of Wellington on the subject.

The Bishop of *Exeter*—Well; I stated nothing more on the subject than that the right rev. Prelate did confer with the noble Duke. But, to proceed with the extract—"On the accession of Earl Grey to power the Archbishop of Canterbury declared his views to Earl Grey, and met from him the same ready concurrence which he had already met from his predecessor in office." What, he would ask, was the meaning of that sentence?

The Archbishop of *Canterbury.*—Concurrence to the point that many abuses had crept into the Church, and ought to be corrected, on which point the right rev. Prelate himself used stronger language, and proposed much more searching and vigorous improvements, than any contained in the present bill.

The Bishop of *Exeter:* I am bound to say, and I say it with great pain, that after what has just passed, there must be given to the world the correspondence which then took place between me and his grace the Primate.

The Duke of *Wellington* felt himself called upon to say a few words in reference to what had fallen from the right rev. Prelates who had just addressed the House. He could not inform their Lordships of the terms of the conference which had taken place between himself and his grace the Archbishop of Canterbury; "for, to say the truth," continued the noble Duke, "I do not recollect one word of it. But this I do know, that I never entertained but one opinion on this subject. That opinion was, that it was essentially necessary that additional measures ought to be adopted in this country for preaching the word of God to the people thereof; and that, considering in what degrees the Church of this country was endowed, it was expedient that the first step in order to procure funds for that purpose should be made by the clergy themselves. I always entertained those opinions. When any of the right rev. Prelates opposite conversed with me on this subject, I stated those opinions. I cannot recollect on what occasion or in what words those opinions were delivered to the most rev. Prelate, but in presenting a petition to your Lordships a few nights ago, from the University of Oxford against this bill, I said that in my correspondence with that university I had stated the same opinions, and that latterly I had gone still further, and said, that those persons must have derived but little advantage from what had recently occurred who did not see that fresh cause was arising every day for thinking that it was absolutely necessary that the first step should be taken by the clergy themselves; and when a commission, consisting of such men as the Archbishop of Canterbury, the Bishop of London, and their other rev. Colleagues, reported that there were means equivalent to this purpose, it was ridiculous to suppose that Parliament, would not insist that those means should be resorted to before the public was called on to find other resources for this most important and most necessary service. I have listened to the debates which have been going on for the last two or three nights, and indeed I may say for many nights before on this important subject, and it appears to me that there is no difference of opinion amongst us on these points—namely, that means must be found of preaching the word of God to the people of England; and I go further—for this point is also not disputed—that those means must proceed in the first instance from the Church, and that they must be exhausted before the public be called on for other means. My Lords, in providing those means, you will not only be performing a duty incumbent upon you, but you will also be following the example of every other nation in the world. It has been my lot to live amongst idolaters—among persons of all creeds, and of all religions—but I never knew yet of a single instance in which public means were not provided sufficient to teach the people the religion of their country. There might be false religions; I know but of one true one; but yet means were never wanting to teach those false religions, and I hope that we shall not have done with this subject until we have found sufficient means for teaching the people of England their duty to their Maker, and their duty to one another, founded on their duty to that Maker. I hope that such will be the result of this discussion, and I feel infinite obligation to the right rev. Prelate opposite, because he has stated broadly in his speech to-night, that if justice is done to the resources of the Church, we shall be fully able to maintain a church such as this great country ought to maintain. And, besides that, we shall be enabled to teach the word of God to every individual living under the protection of her most sacred Majesty. That is what I most anxiously desire to see, and shall most cordially co-operate in effecting. I think that this bill is a fair commencement of such a consummation so devoutly to be wished for, and I hope that its enactments will be so framed before it comes out of the committee, that they may be the foundation of something more, and tend to the effectual maintenance of the Church on its old system."

The *Bishop of London* spoke to the following effect:*—My Lords, I rise with unfeigned reluctance, for the purpose of troubling your Lordships with a few observations upon the speech of my right rev. Friend. Upon all accounts it is expedient that those observations should be as few as it is possible for me to make, consistently with the discharge of a duty which I owe to your Lordships and to myself. I am anxious that this bill should be suffered to go into committee without any unnecessary delay, and I am still more anxious that nothing should fall from me on this occasion, of a nature still further to exacerbate those feelings, which the speech of my rev. Friend is too well calculated to excite. It was not without satisfaction that I heard the debate on the second reading of the bill brought to a close, without a speech from my right rev. Friend, knowing as I did the weight and sharpness of those weapons which he brings to bear upon every controverted question, and believing it to be not improbable, that he would say something in the course of his speech calculated to call forth a reply from the defenders of the bill, which might exasperate those whom it is our duty, no less than our interest, to conciliate as far as possible, to this measure. That apprehension has been unhappily justified by the speech which has now been delivered by my right rev. Friend. I am afraid that in the answer, which I shall feel it my duty to make to his observations, I shall find it extremely difficult to steer my course altogether clear of that rock which I am so desirous of avoiding. I know the difficulty and delicacy of the subject. I can make every allowance for the feelings of a considerable number of my brethren of the clergy who are hostile to this measure; and although they have in some instances given vent to those feelings in a manner not quite consistent with Christian charity or candour, I earnestly desire not to wound them unnecessarily. I must say, that the proceedings and motives of the commissioners have been, from first to last, made the subject of the grossest misrepresentation—I will not say of wilful misrepresentation, but I find it difficult to reconcile with my notions of sincerity and truth the misstatements which have been made by some persons, who either did know or might, and therefore ought to have known the real facts of the case. But let that pass. My Lords, I have never risen to address your Lordships under feelings of more painful embarrassment than those which oppress me on the present occasion. Upon a question of vital importance to the religion and the Church of this country I have the unhappiness to find myself opposed to many, for whom, personally, I entertain the truest regard, and to whose opinions I am accustomed to look with respect. If the question at issue were of less magnitude than it is, if the interests which it involves were but of trivial or temporary importance, I might perhaps, though unconvinced, submit my judgment to theirs, and concede to their authority that which I might not be prepared to yield to their arguments. But the subject now under consideration is of such immeasurable importance, so nearly affecting the glory of God and the well-being of his Church; it is one which I have so long and so painfully considered, that I should be doing violence to my own conscience, and deserting what appears to me to be a sacred duty, did I not come forward and declare the opinion which I entertain, unchanged as it is by anything which I have heard in this House, or read elsewhere upon the subject. I do not mean to say, that there may not be some features of the measure now before your Lordships which require, or admit of modification; we do not pretend that the bill, in its present shape, is a perfect piece of legislation. I will not say, that there may not be some inconsistencies in our recommendations. But I entreat your Lordships to consider the difficulties by which the commissioners have been surrounded. When our first report upon this subject was made, it was for a time pretty generally approved. Afterwards came objections and remonstrances; these were considered, and alterations were made, to meet them, as far as they could be met consistently with the great objects in view. Then we were assailed from other quarters with objections to our amended propositions; and these also we endeavoured to obviate, at least in part. Lastly there fell a shower of remonstrances against our supposed improvements; and the attempt to satisfy objectors, without sacrificing the principle of our recommendations, appeared to be hopeless. Under these circumstances, my Lords, we may be thought to deserve some indulgence, if the measure which we have ultimately proposed, be not perfect in all its parts. But as to the principle of the measure, and all its main features, my own opinion remains wholly unchanged. I may be thought, perhaps, to expose myself to the charge of obstinacy, in clinging so tenaciously to a position from which so many good and prudent men are seeking to dislodge me. But of obstinacy, my Lords, if by that word be understood a determined adherence to opinions once embraced, to the exclusion of argument, and in despite of conviction, my conscience entirely acquits me. If at this moment I could be convinced, that I have hitherto taken an erroneous view of this most important question, I beg your Lordships to be assured, that no feeling of pride, no false shame, would for a moment restrain me from acknowledging my error, and passing over to the ranks of my opponents. But it is not so. My opinion is unaltered, and I owe a duty to the Church, which I must perform according to my own view of its obligation, notwithstanding all the obloquy and unpopularity to which it may subject me; for be it remembered, that the course which the commissioners have felt themselves bound to take, is from the nature of the case, invidious and unpopular, and therefore one, to which nothing but a strong sense of duty would have impelled them. It is always unpopular to meddle with existing institutions in the way of reform and improvement, even where vested rights are respected. The present holders of those rights consider, not unnaturally, that a proposition to deprive their successors of those rights, casts some reflection on themselves, as enjoying that of which the general good requires the surrender. But the unpopularity of the measure now before your Lordships would never have reached its present height, had not the greatest diligence been used by those, whose feelings were more directly interested, to excite the sympathy of others. The most extraordinary assertions, and the most extraordinary arguments have been employed, to alarm the fears of the clergy, and to move them to active opposition. Many of them, I am persuaded, have been under a delusion on this subject. Many of them have been induced, by the authority, or persuasion of others, to sign petitions, without clearly understanding the real bearings of the case. Many of them, I do not say all, but many, I believe, do not even yet comprehend the exact purport of the bill now under discussion. Many of the arguments which have been urged against it proceed upon the assumption, that the commissioners have recommended the entire abolition of cathedral institutions, instead of merely diminishing the number of their members, and increasing, as I believe, their efficiency. My right rev. Friend has dwelt with exultation on the fact, that not less than three thousand signatures are attached to petitions against the bill; three thousand, out of twelve or fifteen thousand clergymen interested in the question. My Lords, considering the methods which have been employed to obtain signatures, I am surprised, that a far greater number have not been procured. I could easily get as many to petition upon any subject connected with the Church. The mode by which in the present case a great proportion of these signatures have been obtained, is as follows:—the archdeacon, who has always great influence with the parochial clergy, and justly so, as visiting them every year, and as being in habits of more familiar intercourse with them than their bishop, and who is moreover considered by them as acting, in some degree, with the sanction of the bishop, circulates printed forms of petition against the bill amongst the rural deans; the rural dean goes with them to the parochial clergy; and he must be a bold, or a very well-informed man, who refuses to sign a petition so recommended by his immediate ecclesiastical superiors. One of my right rev. Colleagues in the commission, upon looking over, the other night, a petition which had been presented from one of the archdeaconries of the diocese of Lincoln, found the signatures of some clergymen whom he knew not to belong to the archdeaconry. All this, however, is wide of the real question at issue, which is, the wisdom and justice of the measure now under your Lordships' consideration. It has been stated, by the learned counsel who were heard at the bar of the House, that a measure of this kind, which goes to suppress certain ancient offices, can be justified only upon one of three grounds, failure in the performance of duty on the part of those who hold those offices, misfeasance, or necessity. It is not necessary for me to dwell upon the first of these grounds. It has been admitted on all sides, that there has been almost from the foundation of our chapters, a failure, on the part of their members, in the performance of the duties prescribed by their respective statutes. But I do not wish to insist upon that topic. I would rather take my stand upon the stronger ground of necessity. The state of things which constitutes that necessity is too notorious to be denied. It is admitted by all parties, that there exists in this country at the present moment an appalling amount of spiritual destitution, and all parties are equally ready to admit the absolute necessity of making some provision for remedying that fearful evil. My Lords, there is no occasion for my troubling your Lordships with any details, in confirmation of that which none deny. But I may be permitted to say, that no person has more ample opportunities of witnessing that spiritual destitution, nor more frequent occasion to deplore it, than I have, as bishop of the diocese in which this vast metropolis is situate. Weekly, almost daily, is brought under my notice some instance of the evil which results from the present state of things. I am continually brought into contact, in the discharge of my official duties, with vast masses of my fellow-creatures, living without God in the world. I traverse the streets of this crowded city with deep and solemn thoughts of the spiritual condition of its inhabitants. I pass the magnificent church which crowns the metropolis, and is consecrated to the noblest of objects, the glory of God, and I ask of myself in what degree it answers that object. I see there a dean, and three residentiaries, with incomes amounting in the aggregate to between 10,000*l.* and 12,000*l.* a-year. I see, too, connected with the cathedral twenty-nine clergymen, whose offices are all but sinecures, with an annual income f about 12,000*l.* at the present moment, and likely to be very much larger after the lapse of a few years. I proceed a mile or two to the east and north-east and find myself in the midst of an immense population in the most wretched state of destitution and neglect, artizans, mechanics, labourers, beggars, thieves, to the number of at least 300,000. I find there, upon an average, about one church, and one clergyman for every 8,000 or 10,000 souls; in some districts a much smaller amount of spiritual provision; in one parish, for instance, only one church, and one clergyman for 40,000 people. I naturally look back to the vast endowments of St. Paul's, a part of them drawn from these very districts, and consider whether some portion of them may not be applied to remedy, or alleviate, those enormous evils. No, I am told, you may not touch St. Paul's. It is an ancient corporation which must be maintained in its integrity. Not a stall can be spared. The duties performed there are too important, to admit of any diminution of the number of those who perform them. One sermon is preached every Sunday by a residentiary, and another by a clergyman appointed by the bishop and paid by the corporation of London; while the non-residentiaries either preach an occasional sermon on Saints' days, or pay a minor canon for preaching it. And yet, if the principle of perfect integrity as to numbers, and property, is to be maintained, as the opponents of this measure assert, not a farthing must be taken from those splendid endowments, for which so little duty is performed, to furnish spiritual food to some of the thousands of miserable, destitute souls, that are perishing of famine in the neighbourhood of this abundance. Is it then asserted, at this time of day, that there can be no such thing as a lawful re-distribution of Church property? My Lords, the principle of re-distribution is one which must be acted upon from time to time, or the Church, as an endowed Church, will cease to exist. It is a principle which has been acted upon by every branch of the Christian Church; by the Church of Rome in different parts of Europe, and by the Church of this country. What was the alienation of tithes from their original destination, the spiritual instruction of the parishioners, to the uses of religious houses, but a re-distribution of ecclesiastical property? What was the resumption of those tithes, and their appropriation to other purposes, in the time of King Henry 8th., but a fresh re-distribution? The Cathedrals, my Lords, of the new foundation, exist only in virtue of re-distribution, a second re-distribution, made, as it was supposed, for the better advancement of God's glory: and now, the Legislature, which my right rev. Friend has justly designated as the representative of a Christian people, steps in to effect a third, but only a partial re-distribution, for the purpose of accomplishing an arrangement most directly tending to that all important end. But I must confess, my Lords, that to hear the principle of re-distribution, and of alienation, so vehemently condemned, and the sacredness and inviolability of capitular rights and property so strenuously asserted by my right rev. Friend, does excite my astonishment; and it will, I think, when you have heard what I am about to state, occasion some surprise to your Lordships. My right rev. Friend has alluded to some suggestions of his own, which were communicated, through the medium of other parties, to the Commissioners. I rejoice that he has this evening, by declaring his willingness to have those suggestions made known to the public, relaxed the inhibition under which he had laid me, by censuring me for having alluded, in my charge, to that communication which he considered to have been confidential. I rejoice, my Lords, that he has, with great candour, taken off that restriction, because I shall be able to show your Lordships, that, as far as the great principle of our recommendations is concerned, they are fully justified by the suggestions of my right rev. Friend, and I do not understand how he can reconcile them with his unqualified condemnation of that principle. In the suggestions on chapters and prebends, my right rev. Friend says, " In looking to the great revenues of the Chapter of Durham, it may be well to consider, whether that body may not fairly be required (reserving vested interests) to make these revenues more available to the general interests of the Church." The general interests, my Lords? Why that is the very aim and object of our recommendation. But let us see how my right rev. Friend proceeds to deal with the property of that Chapter, of which he is himself a member. He proposes, in the first place, to take the separate estates of the dean and prebendaries, averaging, the dean's 4,000*l.* or 5,000*l.*, and each prebendary's 700*l.* per annum.

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* From a corrected report published by Fellowes. It had the following note. In the reports given of this speech in the newspapers, one whole division of it, from the beginning of the last paragraph in p. 9 (1139), to the first part of p. 12 (1141), was entirely omitted.

> " Now it will probably," he says, " be considered sufficient, in the case of future incumbents, to leave to them only their share of the common dividend. The peculiar estates, or corpses, as they are called, of the deanery and stalls might be employed in endowing poor benefices with cure of souls."

To this, the chapters will perhaps say, we do not object; provided that the benefices so endowed are those of which we are the impropriators, or at least are connected with our estates. But what say the suggestions?

> " As there would be a sum of 12,000*l.* or 13,000*l.* per annum, very important good might be effected by it. In particular it might be specially applied to endow thirty or forty benefices in populous manufacturing districts in Yorkshire and Lancashire, reserving the patronage of the benefices so created to the chapter whose funds endow them."

The recommendations of the commissioners go but little beyond this. But still, this alienation may be effected without suppressing any dignities. The integrity of numbers, upon which my right rev. Friend insists so strongly, need not be violated. Let us see what the suggestions next propose.

> " In those chapters which are mainly endowed with tithes, it might be advisable to reduce the number of canons, rather than forego this important provision (of augmenting poor vicarages). The Chapter of Windsor has, in the diocese of Exeter alone, at least a dozen very small livings (with scarcely a single house of residence among them), of which the chapter has the great tithes. The consequence of laying the proposed charge on the Chapter of Windsor, would probably be such a reduction of its revenues as might render necessary a reduction of the number of its canons. A similar consequence may follow in other cases. But it appears to be absolutely necessary, for the favourable estimation of chapters in general, that they be no where felt to be the cause of an inadequate endowment of a cure of souls."

How can this suggestion be reconciled with my right rev. Friend's emphatic assertion, that the integrity of those bodies was essential to the effective performance of their duties? But this reduction of numbers, in the particular cases alluded to, may, perhaps, be unavoidable; you are not therefore justified in suppressing any other offices. What do the suggestions say?

"With respect to prebends not having seats in any chapter, of which, in several of the old dioceses there are many, it may be fairly questioned, whether their continuance is at all desirable. Their revenues, upon the next vacancies, might be applied, without invading the fair rights or reasonable expectations of the lessees, to other useful purposes. The tithes held under them might still be leased, with a strict attention, however, to the provision made in the case of chapters, viz., that every lease of tithes belonging to a prebend shall reserve such a sum to be paid to the incumbent, as shall make his income at least 200*l.* per annum, with a house provided, if necessary, by Gilbert's Act. With this exception, both the tithes and lands belonging to these prebends might be leased on ordinary terms to the present lessees, and the fee might vest for that purpose in the chapter or archdeacon, who might be required to pay the fine to a fund, which, under the direction of the bishop (who is in all cases patron of those stalls) might provide for the endowment or augmentation of benefices with cure of souls which are in need."

Here, my Lords, I think we have the principles of suppression, and resumption, and re-distribution, pretty distinctly embodied. It is true, that the commissioners have carried this principle somewhat further than my right rev. Friend proposed; but he must not complain, if, having furnished us with the right principle, we go somewhat beyond him in applying it. But this reminds me of an objection taken by one of the learned counsel at the bar, whose speech was eminently distinguished by talent, ingenuity, research, eloquence, and high feeling. That Gentleman argued, that we, who are bishops, are bound by the oath which we take upon our enthronement, not to consent to any scheme for the alienation of any part of the cathedral property, or for the diminution of their rights: and I deeply lament that one of my right rev. Brethren (the Bishop of Rochester) should also have asserted this, in language calculated to fix a most serious imputation upon us, an imputation in fact of little less than perjury. By that charge, my Lords, my conscience is entirely unscathed. I pledged myself, when I became Bishop of London, to defend the rights and privileges of St. Paul's Cathedral, and to observe the approved customs thereof, and such as should be hereafter approved of, so far as they are not contrary and repugnant to the word of God, and the statutes, laws, provisions, ordinances, and injunctions of this realm, and the prerogative of the Crown. I have always considered this oath as binding me to defend those rights from all unlawful aggressions; certainly not as precluding me from assenting to any changes effected by competent authority, which I might think would render the institution more conducive to the glory of God. If the oath be construed in a more stringent sense than this, look to the inconvenient consequences which would follow. The bishop would be restrained from assenting to an alienation of the smallest fraction of the revenues of his chapter, even for the best purposes. He could not permit the assignment of an increased stipend to the vicar of a poor benefice of which the dean and chapter are impropriators, certainly not the endowment of a new Church built upon one of their estates, even at their urgent instance; for if he is bound by his oath to maintain all their rights unimpaired, he is bound to maintain them against the act of the chapter themselves, in behalf of their successors: and as every dean, and, I believe, every prebendary, but certainly every dean, takes a similar oath, they would not, according to this interpretation of it, be at liberty to make, even by an unanimous vote, any such alienation: and I do not, I confess, understand how it happens, that the parties, who insist so strongly upon the stringent nature of our oath, as bishops, should have found it so easy to loosen the obligation of their own oaths, as deans and prebendaries, and to recommend, under another shape, the very same thing which they say our oath ought to have restrained us from doing; for they have proposed a taxation upon all capitular property, and the entire, or nearly the entire, alienation of all the property belonging to the non-residentiary prebends. As far as the oath is concerned, it makes no difference that this alienation should be made with the consent of the chapters themselves, for, as has been well observed by the learned counsel, they are guardians of their rights for their successors as well as themselves: their property is the property of the corporation, not of each particular corporator, of the Church, not of the individual dignitary. But I should be glad to learn, whether the non-residentiary prebendaries who are, by the statutes, just as much members of chapters as the canons residentiary, have all been consulted, as to this proposal, so freely made by their brethren, to alienate all their property; and whether their consents have been obtained; and whether, even if their consents have been given, they were at liberty to give them according to this interpretation of the oath? The deans and canons and prebendaries are just as much bound by it as the bishops, but in truth none of them are bound by it in any other sense than that of resisting unlawful aggression. I say nothing of the oath by which the right rev. Prelate, who has thought fit to insinuate this charge, himself a dean of a Cathedral Church, and every other dean, and every canon, are bound, to observe all the statutes and laudable customs of their respective Cathedrals, very many of which are notoriously disregarded. But to return to the question of necessity. It is stated by the commissioners in their second report, that the evils resulting from the want of sufficient provision for the religious teaching and pastoral superintendence of the people, far outweigh all the other inconveniences occasioned by anomalies in our ecclesiastical establishments. If I am asked what those evils are? I reply, Look at the examples of Newport, and Birmingham, and Sheffield. Inquire at the gaol, the hulk, the penitentiary, what are the fruits of religious destitution and neglect. Read the calendars at every gaol delivery. Hear the charges of our venerable judges, and then determine whether, when we have the means of remedying those evils, in part at least, we shall suffer thousands and thousands of our fellow-creatures to live in ignorance and sin, debarred from those privileges which are their birthright as members of Christ's holy Catholic Church. My Lords, it has been again and again alleged that the scheme of the commissioners was adopted under the influence of fear; and one of the learned counsel observed, that the prudent mariner, who, while the storm is raging, contemplates some desperate measure as a last resource, will not think of putting it into execution when the danger is past. Whether the danger be indeed past, I shall consider presently. But, if it be imputed to the commissioners that they acted under the influence of fear, I, for one, my Lords, and I am persuaded that I may say the same for my colleagues, plead guilty to the charge. But of what fear? Was it the fear of popular clamour? Was it the fear of those demagogues—I retract the term, for it is not a question of mere political agitation—of those fierce adversaries who beleaguer our Sion, and, at the very moment when she is most active and faithful in the performance of her duties, are loudest with the cry of "Down with her, down with her even to the ground." No, my Lords, the fear which swayed us was no such unworthy, unholy fear as this. It was the fear of being found unfaithful to our trust, in leaving so many of our fellow-Christians under the pressure of evils which it was in our power to alleviate, a prey to the emissaries of infidelity, and disloyalty, and vice; a fear, lest those classes of society which ought to be the basis and strength of the commonwealth, should become, in the total absence of religious principle and moral restraint, its bane, and the instruments of its desolation. That fear, my Lords, undoubtedly we felt; and that fear still weighs upon my mind, and urges me to the adoption of every practicable method of obviating, or lessening the danger, a danger not remote, nor contingent, but present, and urgent; it has already existed too long unregarded; it is approaching, if it has not attained its height; and not a year, not a month is to be lost, in commencing a remedial process. Then, my Lords, as to the calm, of which the learned counsel spoke, as having succeeded a storm, it is very true that the popular clamour for Church reform has, in a great degree, subsided: and that it has done so, is very mainly owing to the proceedings of the commission, which the public have taken as the evidence of a sincere desire on the part of the Church to correct its own abuses, and to give increased efficiency to its movements; and they wait with patience for a more substantial proof of our sincerity. But, my Lords, the learned counsel, and those whom he represents, are grievously mistaken, if they imagine that the calm, or rather lull, which now prevails, will be of long continuance, if no effective measures are taken to remove, or lessen the anomalies which our Cathedral bodies now present, and to make them really conducive to the spiritual instruction of the people. The winds are chained for a season in their cavern; but ere long they will burst forth with redoubled violence, and shipwreck perhaps the vessel of the Established Church. Deans and canons may repose a few years longer in their stalls, unshorn of a single item of dignity or revenue; but by and by reform will come upon them as a strong man armed, and will take from them their armour wherein they trusted, and divide the spoils. But now, my Lords, for the uses of these venerable institutions; let us see whether, first, they are such as the opponents of this bill describe them, and secondly, if they are, whether it be necessary to their answering these uses, that they should be maintained in all their completeness of numbers, different as those numbers are in different Cathedrals. In the first place, then, it was asserted by one of the learned counsel at the bar, that they are necessary, as furnishing auxiliary theologians to the bishop: that bishops are now too much engaged in business of various kinds to be able to keep pace with the controversial divinity of the day, and that, therefore, their chapters must study controversy for them: so that if I should be called in question for any opinion which I may advance upon a theological subject, I am not to venture upon the difficult task of answering it myself, but I must go to one of my canons, my facetious friend for instance, whose serious petition was presented the other night, and request him to pen a theological pamphlet in my behalf. I am really astonished that such an argument should have been employed. But then the chapters are the bishop's council, and in that capacity can by no means be spared. My Lords, such a council as they are, the bishop will have them still, for it will hardly be pretended that five councillors are not sufficient for him. But, in truth, they are not, and never have been, in this country at least, a council to the bishop; unless, indeed, we go back to those early ages when the bishop resided in his Cathedral city, surrounded by his clergy, who were sent round to the neighbouring villages, sometimes to preach the word, more commonly to minister the sacraments of the Church, but there were then no deans and chapters. I venture to assert that there is no instance to be found, in the annals of the English Church, of any such council as our opponents suppose. It is a mere theoretical fiction. There are, indeed, some papal rescripts which allude to such a custom, in other countries, but they rather find fault with bishops for not using it, than prove its prevalence; and in this country, as I have already said, no such custom ever prevailed. And how could it, my Lords? The deans and chapters of the old foundation, at a very early period after their institution, sought for and obtained papal exemptions from the bishop's jurisdiction, and then set him at defiance. For instance, the Dean of Salisbury has under his peculiar jurisdiction more than eighty parishes, withdrawn from that of the Bishop; and were that deanery held by a different kind of person from the excellent individual who now holds it, he might most seriously interfere with the right administration of the diocese. But further than this, deans and chapters are not the fittest persons to be councillors to the Bishop. They know nothing of the state of the diocese; they have nothing to do with the parochial clergy; they are not competent to advise the Bishop on matters relating to them. The Bishop's proper councillors are his archdeacons and rural deans, who are thoroughly acquainted with the state of all the parishes, and with the characters of the clergy. Their counsel is indeed of the highest value, and I can safely declare, with regard to myself, that I rarely decide upon any question of importance, affecting a parish or its clergyman, without first consulting the archdeacon and rural dean. It is by means of these officers, and not by parcelling out the diocese, as has been proposed, between the cathedral dignitaries, that its discipline will be best administered. I cannot conceive any plan better calculated to thwart the course of ecclesiastical discipline, and to interfere with the ancient ecclesiastical polity of archdeacons and rural deans, and throw everything into confusion, than this strange and novel contrivance. I do not hesitate my Lords, to say, that if any such functions (entirely novel functions be it observed) should be intrusted to deans and chapters, they would be a nuisance, and not a benefit to the Church. The next use of these institutions is said to be, that they furnish rewards for theological or literary eminence, and quiet retreats for the enjoyment of learned leisure. Works of the highest value to the Church have been produced by the members of capitular bodies, and, therefore, no such works can be looked for, if their number is reduced. I do not admit the soundness of this reasoning; but what, my Lords, are the facts of the case? I would fain be told, how many of our canons residentiary are not also parochial clergymen? And how long is the residence kept by each in his cathedral? for that is the precise measure of the opportunities it affords him of literary leisure. But let us look, my Lords, at the actual working of the system. Let us see whether it deserves the praise which Dr. Paley once bestowed upon the Established Church in Ireland, as providing in its bishoprics stations, "where wasted spirits and declining health are suffered to repose in honourable leisure." I will produce an instance of this working. An excellent clergyman, a man of learning as well as piety, after many years spent in honourably discharging the duties of a laborious station, is appointed to a dignity in one of our best endowed cathedrals. There, it is said, there is an instance of the use of these institutions. Our excellent friend will now be enabled to repose under the shade of his well earned laurels, to enjoy his *otium cum dignitate*, and after an interval of ease, to resume his labours in the field of literary or theological research. But what happens? In the course of a few months, a chapter living falls, of a few hundred pounds a-year, with a rural population. He takes it, and re-enters upon the duties of a parochial priest; and there goes a part of his literary leisure. Before long a much more valuable benefice becomes vacant, with a much larger population. He is presented to it, and then what becomes, or at least what ought to become, of the remainder of his literary leisure? If this is one of the most important uses of cathedrals, then deans and canons ought to be prohibited from holding any benefice with cure of souls. But it is urged, that the full number of the chapters ought to be kept up, in order that there may be no failure of the preaching in the cathedral; that the sermons delivered there are to be regarded as models; and if the people wish to know what a good sermon is, they must go to the cathedral church. Now certainly, when I go, as I sometimes do, to preach at St. Paul's, I am truly rejoiced to see a numerous congregation, listening to a service extremely well performed, and attentive to the sermon. But I apprehend, that if there were no service at all at St. Paul's, all those who go thither for any other purpose than to hear the music, would attend their own parish churches, where they would hear sermons to the full as useful as those which are delivered in the cathedral pulpit. Would those, who insist so strongly on the paramount importance of cathedral preaching, return to the system of those earlier ages, when there was no preaching of the word of God but in the cathedral church, and not much of it even there? But, it is said, if you do not think that the preaching in the cathedrals is so eminently useful as we suppose it to be, why not send out your canons to preach in other parts of the diocese? Why not take this method of supplying the spiritual wants of which you complain? I suppose, then, that some ten or twelve residentiaries (taking them to be really residentiaries) are to issue forth every Sunday morning from the stalls of Worcester or Lichfield, and proceed to evangelize the people of Birmingham or Walsall; and then, having preached, to return to their stalls, and leave the people to themselves for the rest of the week. What, my Lords, is this a plan to be proposed at this time of day? Is this, or anything like this, a system to be substituted, even in part, for that which is the glory of our Established Church, and the secret of its efficiency and usefulness, the division of the country into parishes and districts of manageable size, each with its church, its pastor, its schools, its local charities? It astonishes and pains me to hear such visionary notions gravely stated. It seems to me to argue either the strongest ignorance of the real state of the Church and of its wants, or a determination to uphold all its anomalies at all hazards. But supposing all these ends to be as important as they are said to be (and in their proper place and degree they are really important), they may still be answered by cathedral institutions, after the passing of this bill; and here I cannot but complain of a want, on the part of my right rev. Friend, of his usual candour. In speaking of the effect of our recommendations upon those institutions, he has more than once made use of the word "abolish," and so have many of the opponents of our plan. But it is not abolition that we propose. In some cases, we add to the existing numbers of capitular bodies, in some we diminish, but in no case of a cathedral do we abolish. I see no reason why, when that diminution has been effected, all the real practical uses of cathedrals should not be the same as they are now. The dean might be required to reside six or nine months in the year; nine months was what the commissioners recommended. It might be enacted that there should be always two canons in residence. I am inclined to agree with my right rev. Friend, that in the metropolitical church of Canterbury there ought to be a somewhat larger number of canons than is proposed in the bill; but on account of its dignity, not its duties; for the functions which it has to perform, during the vacancy of the archiepiscopal see, may be performed as well by four as by twelve canons. And this leads me to notice the objection, that if the residentiaries be reduced to four, there will not be a sufficient number for the decent and solemn celebration of divine worship in the cathedrals; that is to say, a dean, and one or two dignitaries, with four or six minor canons, and the present staff of singing men and boys, will not be able to perform the daily service as it ought to be performed. Why not? In what respect need they be deficient? Supposing only one residentiary to attend, with the minor canons and singers, why should the service be less decent and solemn than it is in some of our parish churches, St. James's, Westminster, for instance, where divine service is performed every morning and evening throughout the year, by the rector and his curates, and I venture to say, as decently and solemnly as in any cathedral, bating the music, which it must be remembered is performed exclusively by the minor canons and members of the choir, for it is not intended, I conceive, even by those who insist upon the full number of canons residentiary, to call their musical talents into action. It has been said, my Lords, by more than one of our opponents, and by none with greater asperity, than by my right rev. Friend, that the commissioners have hazarded these recommendations, with a total want of consideration, and in the absence of all that information which might have been obtained by careful inquiry. My Lords, to say that we have proceeded without inquiry, is the very reverse of the truth. We addressed a variety of queries to all the deans and chapters; we examined some of them in person; we considered their memorials; and the materials so obtained, are collected in a pretty thick and closely-printed volume which is now in your Lordships' House. It is true, that we have not laid that evidence before the public; and we have abstained from doing so, because we did not wish to give unnecessary publicity to some of its details. But there it is, my Lords; and I will now proceed to read a few extracts from it, for the purpose of showing, by an example or two, that we are not so entirely unsupported by the testimony and opinions of others as my right. rev. Friend supposes. We learned from this evidence, that in the Cathedral Churches of Canterbury, York, Chichester, Chester, Carlisle, and Rochester, only one sermon is preached by the residentiary on Sundays. In the returns from some other chapters, it is not stated whether one or two sermons are preached, and therefore it is probable that there is but one. A certain number of sermons are preached on Saints' days, by the non-residentiary prebendaries, either in person, or by substitute, mostly the latter. With respect to a suggestion for annexing a stall or stalls to some poor benefices in Canterbury, which are miserably endowed, Archdeacon Croft, one of the prebendaries, is of opinion, that if chapter property must be touched, it will be better to extinguish the stall, and to appropriate the income to the spiritual instruction of the people, than to annex it to any certain piece of preferment. He would annex a stall to the cathedral for repairs; and prefers the suppression of stalls to taxation. Not so the committee of chapters. The Bishop of Llandaff, in whose absence I may say that, which I should abstain from saying if he were present, that a more liberal and sensible and enlightened man does not exist, nor one whose judgment I should be more disposed to follow, states, after several years' experience as dean of St. Paul's, that the chapters are governed much more by practice than by any written laws; and yet that every prebendary swears to observe the statutes and laudable customs of the Church. With respect to the proposed transfer of some portion of chapter patronage to the bishops, his opinion is thus expressed.

"I think chapter patronage is very badly intrusted to such bodies as chapter bodies; where the usual practice is, to give livings in rotation, without considering the fitness of the person to be appointed; and if he is not considered decidedly unfit, he has it, when it comes to his turn, as a matter of course. That

I believe to be the ordinary practice of such bodies; in consequence of which there is very little selection on the ground of merit. I think it would be much safer to vest the patronage in the diocesan, under an express declaration, that it is vested in him, as a trustee, for the benefit of the Established Church."

To the question, "What is the residence required of a residentiary?" the answer is, "Three months in the year."

"How many of the residentiaries reside in their houses?—At present only one.'

Are not all the houses fit for residence?—Yes."

The Dean of Salisbury, whose character for piety and judgment needs no testimony of mine, gives the following evidence.

"Are you of opinion, that the duties of the cathedral might be very well performed by the dean and four residentiaries?—I certainly see no reason why they should not; inasmuch as I perform a fourth part of them alone.

"From your own observation, would it not be a better arrangement, that the residentiaries should be nominated by the bishop, than that they should be elected by their own body?—Unquestionably.

"From your experience, as dean of the cathedral church, are you of opinion, that the service might be conducted with sufficient solemnity and propriety, by a dean, four canons, two minor canons, or priest-vicars, six laymen, as singers, and six or eight boys?—Yes; I should think so.

"Would the service of the Church suffer materially if the whole of the prebends were to be abolished?—Not materially.

"Do the prebendaries preach themselves?—Some do: chiefly those appointed by the present bishop (Bishop Burgess): but in general they pay a couple of guineas to one of the priest-vicars, and the dean, or canons in residence, preach the sermons."

Here, my Lords, we have the opinion of a very able and experienced Dean, that the integrity of our chapters, in regard of numbers, is not so essential as my right rev. Friend asserts it to be, to the efficient performance of their duties. My own opinion is, my Lords, that their duties will be more efficiently performed than they have hitherto been, at least in most cases, the responsibility, being less divided, will be more strongly felt, especially now that the public attention has been specially directed to these institutions. But still, my right rev. Friend, although in his suggestions he has admitted and recommended the principle of suppression and re-distribution, now turns round upon us, and insists upon it, that the whole corporate property of the chapters is to be left untouched; and that we must have recourse to private property, to supply the wants of the Church; for private property it is, my Lords, though not in legal strictness, yet for practical purposes, when it becomes the subject of settlement and entail. My right rev. Friend truly states, that the improvement of the leasehold property of the Church was under the consideration of the commissioners. We were anxious to discover how far it could be made more available to the great ends of the Establishment, and we not only saw the difficulties of the case ourselves, but we were assured, both by those ministers of the Crown who were commissioners, and by others of not less authority, who were not commissioners, that it would be a hopeless task, to propose to the House of Commons any plan, which should involve a general and immediate invasion of the rights of lessees. No such plan could have been acted upon without the grant of an enormous sum of money by Parliament, which we certainly should not have obtained. Not but what I am of opinion, my Lords, that much may be done, in the way of improving the income arising from the leasehold property of the Church; but it must be done very guardedly and gradually, with a due regard to the customary interests of the lessees; and gradual also, I admit, must be the operation of the measure now proposed; but it will be much more speedy in producing its results than the other: and the danger, my Lords, which we have to encounter, does not admit of tardy methods of procedure, for it is imminent, and pressing, and has already reached its crisis. What other method then remains as an immediate resource (for as to the plan of voluntary contributions, I need not do more than allude to it) than to appropriate, to the infinitely important purposes of parochial instruction, some portion of the capitular revenues? and if this is to be done, it has appeared to us, that the most effectual and simple mode of doing it, is that of suppressing all the sinecures of the Church, and also a certain number of offices with duties annexed, that number being greater than appeared to be requisite for the performance of those duties. But no, the objectors say, this cannot in any case be justified; whether you are at liberty or not to take any part of the revenues, you cannot innocently do away with any of the offices themselves; for they are spiritual offices, and no spiritual office may be abolished. My Lords, I deny, that the offices of dean and canon, although they are commonly held by spiritual persons, are essentially spiritual offices properly so called. They are ecclesiastical offices, not spiritual. This is the doctrine of writers both on the canon and common law, and a proof of its truth is, that at this moment a prebend is held by the Queen's professor of Law at Oxford, who is a layman; and, which your Lordships will probably be surprised to hear, her Majesty is herself a prebendary of the collegiate church of Brecon. The offices of bishops, priests, and deacons, are spiritual offices; not so those of deans and canons. The parochial clergy, under their bishops, are the legitimate guardians of the spiritual interests of the people, not the chapters, although they contribute indirectly to the same good end; and I can never consent to have the two classes placed on the same level with reference to the essential principles of our Church. There remains only one other point in the speech of my right rev. Friend, upon which I think it necessary to touch. It relates to that part of the bill which provides for the suppression of the corporations of vicars-choral, or minor canons. He deplores, with much feeling, the extinction of those ancient and venerable bodies, and complains, perhaps with some justice, that their light is to be put out, without any reason being assigned for so violent a measure. And I must confess, my Lords, that it does appear upon the face of it, to be a somewhat harsh proceeding, while we leave the corporations of major canons, though shorn of some portion of their strength, to abolish those of the minor canons altogether. The reasons of that recommendation, it is true, have not been specified by the commissioners, from motives which would make me still unwilling to assign them, were it not that I am compelled to do so by the observations of my right rev. Friend. The truth is, my Lords, that the existence of these subordinate corporations, partly dependant upon the dean and chapter, and partly independent of them, has been a serious inconvenience, and an impediment to the discipline and good order of the Cathedrals. They are self-elected, and have their own estates; the consequence is, that they are ill paid by the chapters, and not being exclusively appointed by them, are not so amenable as they ought to be to their authority. If the dean and chapter are answerable for the due performance of the cathedral services, they ought to have the appointment of those who are to perform them. In future this will be the case. The minor canons, who after all really do the work of the cathedrals, will be more carefully selected and better paid, and their duties more satisfactorily performed. There are many other points, my Lords, upon which I would gladly touch, were it possible to do so, without transgressing the limits by which I think it right, on the present occasion, to circumscribe myself. I would not unwillingly have wiped off some of the aspersions which have been so unsparingly cast upon the commissioners, and upon myself in particular. Of the various imputations which it has been attempted to fasten upon us, least of all do we deserve that which my right rev. Friend threw out at the close of his speech, of having made our recommendations without inquiry and without consideration. My Lords, the most careful inquiry, the most patient deliberation, have marked every stage of our proceedings. If towards the conclusion of our labours, as commissioners of inquiry, now two years ago, we had less communication with the capitular bodies than they might think themselves entitled to, it was in consequence of the attacks which they made upon us, and of the manifestation of a spirit of hostility which gave us little encouragement to enter into further correspondence with them. Nevertheless, we were not deterred by that circumstance from endeavouring to make our recommendations as little unpalatable to them, as it appeared to us possible to make them, consistently with their fundamental principle. We have acted conscientiously in the performance of an ungracious duty, according to our own convictions of what was best for the real interests of the Church and the country. We knew from the first that we were undertaking an invidious and unpopular task. We have submitted to much misrepresentation and obloquy, to which it was difficult to reply, without stating facts and employing arguments, which we would rather have forborne from using. I rejoice that I have now had an opportunity of stating to your Lordships the reasons which induced me (and I speak for myself alone) to give my hearty assent to the proposals of the commissioners as to all their leading features, susceptible as they may be of modification and improvement; and it is a great consolation to me to feel assured that, if your Lordships should pass this bill into a law, many years will not elapse before the great body of the Christian people of this land will do justice to the motives and the prudence of the commissioners, and acknowledge the benefits resulting from their labours. They will thank us for having done all in our power to lessen those evils which are now the bane of the Church, and if left unremedied will soon prove its destruction; they will be grateful to us for having set an example, on the part of the Church, of making a sacrifice—a sacrifice, be it remembered, only from one part of the Church to another—from the less useful to the more efficient—and of employing the means with which the providence of God has intrusted her, so as to accomplish the greatest practicable amount of good. If the measure now before your Lordships should fail of producing these anticipated benefits, it will fail from other causes than from a want of consideration, and caution, and careful deliberation, on the part of those upon the strength of whose recommendations it has been now proposed.

The House in Committee. Several amendments were proposed, which were ordered to be printed. Bill to be further considered.

HOUSE OF COMMONS,

Thursday, July 30, 1840.

MINUTES.] Bills. Read a second time:—Militia Ballots Suspension; Militia Pay.—Read a third time:—East India Shipping; Metropolitan Police Courts.

Petitions presented. By Mr. Mackinnon, from the Chaplain to the Hudson Bay Company, against the Slavery of the Indians within the District of the Hudson Bay Company.—By Mr. R. Jenkins, from the Attorneys of Shrewsbury, for the Removal of the Courts of Law to a more central situation.—By Mr. J. Neeld, from Malmesbury, against a Rural Police.

ADMINISTRATION OF JUSTICE.] Lord *John Russell* said, that having given notice of his intention to proceed with the Administration of Justice Bill, he had ventured to hope that as that bill had been very much discussed in the other House of Parliament, as it had been a long time before a select committee, and as it met with very general concurrence, at this period of the Session no objection would be made to proceeding with it. The right hon. and learned Gentleman opposite had, however, given notice of a motion on the subject with regard to the whole question of the administration of justice in the House of Lords, and before the Privy Council, and had likewise stated, that at this period of the Session the bill ought not to be persevered in. He thought that this notice of the right hon. Gentleman took away from the bill that very general and unanimous support which he had hoped to receive, and which formed the only justification for carrying forward a bill of such great importance at a time when there was a thin attendance, and when many Members most competent to give an opinion on the subject were absent. He had therefore, in this state of things, to inform the House, that it was not his intention to proceed with the bill in the present Session, but he would propose a similar bill early in the next Session. He begged to move that the order of the day for the second reading of the bill be read for the purpose of being discharged.

Sir *E. Sugden* said, he had never denied the necessity of some measure like the present, but he thought it ought to be accompanied with improvements in courts, either connected with the equity courts or being courts of appeal from them. In the next Session he should have no objection to the introduction of the bill then on the table of the House, with the view of making it the foundation of a measure really beneficial to the administration of justice.

Order of the Day read and discharged.

SULPHUR TRADE — NAPLES.] Viscount *Sandon*, on the part of persons interested in the trade in Sulphur, begged to ask the noble Lord, the Secretary for Foreign Affairs, what was the nature of the agreement that had been entered into on this subject with the Neapolitan government. He was also desirous of learning at what period the monopoly was to cease, and what was the nature of the indemnity to be made to British subjects for the losses sustained by them, and upon what principles was it to be calculated. Finally, he wished to know whether the commissioners to be appointed would be Neapolitan or British, or whether it would be a mixed commission?

Viscount *Palmerston* said, that the proposals made by the mediating power had been agreed to by her Majesty's Government and by the Neapolitan Plenipotentiary at Paris, who had been sent with full powers to negociate on behalf of his government. He had not yet heard from Naples, but he had no doubt that the agreement would be ratified. The nature of the arrangement was, that as soon as it should be known at Naples that the English Ambassador at Paris and the Neapolitan Plenipotentiary had entered into arrangements, the sulphur monopoly should cease at the shortest possible period. Compensation would be made upon principles satisfactory to her Majesty's Government. The commission would consist of two Neapolitan commissioners, two British commissioners, and one French commissioner, the French commissioner to act as arbitrator in cases of difference, and the selection of the French commissioner having been made with the concurrence of the British and Neapolitan Governments. The noble Viscount, in answer to another question, proceeded to state that the sulphur question was not a single instance in which the Neapolitan government, in the opinion of the British Government, had evaded or violated the treaty of 1816. Representations and communications had been made on the subject to the Neapolitan government, and as soon as the sulphur question was disposed of, the British Minister at Naples would be instructed to renew the negotiations for a new treaty.

RAILWAYS.] Lord Seymour moved the third reading of the Railways Bill.

Lord *G. Somerset* seeing the right hon. Gentleman, the President of the Board of Trade in his place, begged to recall to the right hon. Gentleman's recollection the conversation that took place on a former evening relative to the class of persons who were to be appointed inspectors under this bill. He had heard that a gentleman much connected with railways was exceedingly anxious to become an inspector under this bill. Now he certainly should not have given his assent to this bill unless he had understood that a rule was to be laid down that no person connected with railways was to be appointed. He hoped that this rule would apply to persons recently connected with railways as he certainly would never have consented to the passing of the bill if he had not a satisfactory assurance of the intention of the right hon. Gentleman upon this point.

Mr. *Labouchere* begged, in answer, to assure the noble Lord, that not one Gentleman only was anxious to take office under this bill, but a great number of Gentlemen were extremely anxious to be employed. He must decline to give any specific pledge upon a subject of this kind. With regard to any applications that had been made to him, he had carefully and studiously avoided committing himself in the way of promises. He must wait until he saw in what shape the bill would pass before he considered and before he consulted others, the Chancellor of the Exchequer especially, with whom it would be his duty to consult with regard to the increase of allowance it would be necessary to have voted. Until the bill should have passed, he could not consult as to the most economical and efficient manner of carrying the bill into effect, and he must therefore decline pledging himself as to the precise mode of carrying out that measure. Whether he should appoint one inspector-general, or whether it was more desirable (an opinion to which he rather inclined) to appoint engineers to inspect by the job, so as not to give to any one person the sole inspection, he was not at present prepared to state. He had, however, no difficulty in saying that he should think it most objectionable to employ any person in any matter, under this bill, if he was at the time actually connected with any railway whatever. So far he did not hesitate to state his opinion; but whether the past connexion of any individual with a railway was to qualify or to disqualify, and whether recent connexion was to be considered, or what limit was to be affixed to that connexion, was a point upon which he thought it was not desirable that he should pledge himself. All he would say was, that he would take care that nobody actually connected with a railway should be employed under this bill, but with regard to any other point he should follow the course which upon consideration should appear most desirable.

Mr. *Easthope* thought the measure which affected a very large and important body of persons was very little understood. In no one stage of it had there been a fair discussion of its principle. There had been a hasty consideration of its clauses, and he thought it would be very easy to convince the House that the haste of that consideration was very manifest in the present state of the bill. He implored the House not to pass a bill of such importance as this—affecting, as it did, great interests, which he contended would be liable under this bill to be greatly deranged, without at least one careful discussion of the principle of the measure.

Third reading, after a division on a point concerning the course of proceeding, postponed.

VENEZUELA SLAVE TRADE.] The *Chancellor of the Exchequer* moved that the Report on the Venezuela Slave Trade Bill be received.

Captain *Pechell* thought that this was a good opportunity for complaining that the tonnage by the new measurement was taken as the standard for the measurement of the vessels taken and broken up; for the captors to obtain the bounties the act of 1838 required the production of a certificate of the registry under the new measurement, but as many vessels were captured, and broken up before the new tonnage came into operation, it was impossible for the captors to obtain the certificates of the measurement by the new tonnage, and much money still remained due to the captors. By the new method of tonnage, too, the compensation to all captors was greatly diminished. He trusted that an opportunity would be taken in this bill of providing for the payment of the bounties due to the captors, and unpaid in consequence of the difficulty to which he had alluded.

The *Chancellor of the Exchequer* observed that this bill would give bounties for vessels taken without slaves and broken up; as to the question of the measurement, all the Treasury wanted was some evidence of the amount of the tonnage; they did not require the English but the foreign tonnage; in fact, some proof of what the size of the vessels captured was.

Report received.

LINEN MANUFACTURES (IRELAND).] Mr. *Labouchere* moved that the House resolve itself into committee on the Linen Manufactures (Ireland) Bill.

Mr. *Warburton* thought that this bill should be proceeded with this Session. Some of the clauses were undoubtedly good, but others were exceedingly stringent. They were taken from an old English act of 1774, when these matters were not very closely looked into; and before they extended them to Ireland, they ought to obtain the opinions of their utility from the operatives as well as from the masters. Some of the clauses were so important, and so loosely drawn, that they could not be properly amended at this period of the Session, when bills came upon the House like lightning, and it was absolutely impossible, with the utmost industry, to go through and correct all the minute details. He hoped, therefore, that the bill would be withdrawn for the Session, and brought forward at an early period of the next Session. He would, therefore, move, that the bill be committed that day three months.

Mr. *Labouchere* said, nothing would have induced him to propose the bill, if he had not been assured that it met with the consent not only of the master manufacturers of the north of Ireland, but also of the operatives, who had all made representations to him, that unless some measure were passed, the manufacturers would be much injured. The objections of his hon. Friend would be better considered in committee, but in the main the bill only extended to Ireland the law of England, which was indeed an old law, but actually in beneficial operation. Of course, if his hon. Friend persevered in his objection, he could not press the bill, but considering the urgency and importance of some remedy, he hoped that his hon. Friend would withdraw his amendment.

Mr. *Wakley* said, he had never before met with laws so stringent in their operation as those in the 10th section of this act. He admitted the necessity of protecting the property of the manufacturers in Ireland; but what was wanted was a just law, one not more stringent than the necessity of the case required. This bill, however gave the officer a power of search without a warrant, and the householder resisting such an aggression was subject to a penalty of 5*l.* He hoped if they went into committee the right hon. Gentleman would strike out the 11th clause, and restrict the operation of the bill till the 1st of May next, in order that they might fully legislate on the question next Session.

Amendment withdrawn, and the House went through committee.

CHURCH DISCIPLINE.] Mr. Nicholl

moved, that the House go into committee on the Church Discipline Bill.

Mr. *Warburton*, considering the lateness of the period at which this measure had been introduced, and the many important interests which it affected, felt bound to move, that the committee on this bill be postponed till that day three mouths.

The House divided on the original question :—Ayes 27; Noes 15: Majority 12.

List of the AYES.

Baring, rt. hon. F. T.
Dalmeny, Lord
Ferguson, Sir R. A.
Gladstone, W. E.
Hodges, T. L.
Horsman, E.
Kemble, H.
Labouchere, rt. hn. H.
Loch, J.
Lushington, rt. hn. S.
Lynch, A. H.
Marshall, W.
Morpeth, Viscount
Morris, D.
Norreys, Sir D. J.
Parker, J.
Parnell, rt. hn. Sir H.
Pigot, D. R.
Polhill, F.
Rickford, W.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Stanley, hon. E. J.
Teignmouth, Lord
Vernon, G. H.
Wilmot, Sir J. E.

TELLERS.

Nicholl, J.
Maule, hon. F.

List of the NOES.

Baines, E.
Brotherton, J.
Evans, Sir De L.
Finch, F.
Hoskins, K.
Humphrey, J.
Lushington, C.
Pechell, Capt.
Pryme, G.
Salwey, Colonel
Smith, B.
Thornely, T.
Vigors, N. A.
Wakley, T.
Yates, J. A.

TELLERS.

Warburton, H.
Hawes, T.

Bill went through the committee, and the report was received.

ECCLESIASTICAL COURTS (ENGLAND.)] Viscount *Morpeth*, in the absence of Lord John Russell, moved for leave to bring in a bill to amend the act for the better regulation of Ecclesiastical Courts in England. The noble Lord observed, that although this would appear to open a very important and very extensive subject, the real object of the bill which he sought to introduce was, in fact, confined to one specific point. He did not propose at that moment to enter into the merits of the case of John Thorogood, or of the sentence under which he was suffering. But as it seemed to be felt very generally on both sides of the House when the subject was last under discussion, that the imprisonment of Thorogood had already lasted for a very considerable time, the object of the bill which he now proposed to bring in, was to enable the court which committed the recusant to discharge him with the consent of the parties at whose complaint and prosecution he was originally committed.

Mr. *H. Vernon* was understood to state, that notwithstanding the stricture pronounced upon the opinion which he had ventured to offer when this subject was last under consideration, he was still disposed, after more mature deliberation, to adhere to it. He repeated his belief, that in the case of Thorogood, if the churchwardens being contented by any means, or disposed to relinquish their claim upon that person, came by their proctor before the Ecclesiastical Court, and proposed to withdraw the citation, the judge would have felt it his duty to sign a certificate that would have occasioned the immediate release of the prisoner.

The *Attorney-General* observed, that that also had been his own opinion, but a contrary opinion having been expressed by a learned judge for whom he had a most sincere respect — he meant the learned judge who presided in the Consistorial Court of the Bishop of London — he felt bound at once to yield to it; and as there appeared to be a general feeling in the House that the imprisonment of Thorogood should cease, the present bill was proposed to effect that object. Whatever his own opinion might have been, he thought that the House was bound to act upon that which had been expressed by the judge of the court in which cases of this description were dealt with.

Leave given. Bill (No. 1) brought in, and read a first time.

Dr. *Nichol* obtained leave to bring in a bill to alter and amend the law regarding process upon contempts in the Courts Ecclesiastical in England and Ireland, and to facilitate the discharge of persons who now are or hereafter may be in custody for contempts of any such courts. The hon. and learned Gentleman explained that the object of this bill was similar to that just introduced by the noble Lord. He objected to the mode in which the noble Lord's bill sought to obtain its object, and therefore, with the consent of the noble Lord, had prepared the measure he now proposed. It would be for the House to determine between the two.

Bill (No. 2) brought in and read a first time.

HOUSE OF LORDS,

Friday, July 31, 1840.

MINUTES.] Bills. Read a first time:—Notice of Elections; Slave Trade Treaties; Venezuela; Bank of Ireland; Railways; Parochial Assessment; Joint Stock Banking Companies; Population (Ireland).—Read a second time:—Fisheries; Insolvent Debtors (India); Stock in Trade; Church Temporalities (Ireland); Sugar (Excise Duties).

Petitions presented. By Lord Lyndhurst, from Medical Practitioners, in favour of Medical Inquiry.—By Lord Brougham, from Huddersfield, for the Better Treatment of Political Prisoners.

COURTS OF EQUITY.] Lord *Brougham* begged to call their Lordships' attention, especially that of his noble and learned Friend on ths woolsack, and his noble and learned Friend opposite (Lord Lyndhurst), to a bill which he was about to introduce to their notice. It was not usual to state the objects of a measure on the first reading, but there were reasons which induced him, on the present occasion, to break through that rule. A very important measure had been withdrawn from the other House, which he deeply lamented. That bill amongst other things, empowered the heads of the Court of Chancery to make such alterations and improvements in the proceedings of the court, with regard to taking evidence and other matters, as would have been of the greatest benefit to the suitors. On this point there was no difference of opinion whatever; but the bill had, he was sorry to say, excited considerable opposition. The bill which he now brought forward, however, referred exclusively to this single point. On this a unanimous opinion had been expressed, both in a select committee up stairs and by their Lordships. He, therefore, trusted, that the House of Commons would receive the bill, and pass it without any opposition. On Monday he should move the second reading of the measure, and the suspension of the standing orders, in order that it might be sent down to the House of Commons without any delay.

Lord *Lyndhurst* perfectly concurred in what his noble and learned Friend had said, and he approved of the present bill; but he was not very sanguine as to the course which it might meet with elsewhere. He must say, he deeply regretted the failure of that bill in the other House, after the care which had been bestowed upon it by their Lordships. He was sure that the public, and the profession, and, above all, the suitors, would have derived the greatest benefit from that measure. For his own part, he could not help thinking, that there must have been some misunderstanding in the other House of Parliament, for he could not conceive, that it was the intention of the parties to put the bill off.

The *Lord Chancellor* thinking as he did, that every part of the bill was essential to the public interest, regretted it had not passed the other House. As regarded the fate of the present bill, he confessed he was not so sanguine as his noble and learned Friend, seeing the determined opposition that was given to the other bill.

Bill read a first time.

COURT HOUSES, (IRELAND).] Viscount Duncannon having moved that the House go into committee on the Court Houses (Ireland) Bill,

The Earl of *Charleville* objected to proceeding with that measure at so late a period of the Session, when there was not time to investigate it. He was, therefore, disposed to move an amendment, that the committee be deferred to this day three months.

Viscount *Duncannon* stated, that the bill was founded on the memorials and statements of several of the Irish counties.

Their Lordships divided:—Contents 33; Not-contents 24: Majority 9.

Bill went through committee.

BILLS OF EXCHANGE.] The Marquess of *Lansdowne* moved that the House resolve itself into committee on the Bills of Exchange Act Continuance Bill. The object of this bill was to continue the Act now in force, for the period of a year, (as we understood) beyond the time at which it would otherwise have expired. The present Act had produced most beneficial effects in the commercial world; but unless it were continued, bills of exchange which might be drawn in the spring of 1841, would not be renewable in the spring of 1842, as they would then lose the benefit of the exemption from the usury laws.

Lord *Wharncliffe* objected to this bill being passed without due inquiry being made as to the grounds on which the usury laws were to be done away with. He believed, that he should be able to produce before a committee of inquiry, some most grievous cases of oppression upon tradesmen and small annuitants by parties under the protection of this law. All he asked was, that this bill should not be prolonged for a greater time than was necessary to meet the bills now out.

Lord *Ashburton* said, he had listened with some anxiety to hear from the noble Marquess opposite what possible inconvenience could result from the postponement of this bill for another Session. The noble Marquess was greatly mistaken, if he supposed, that the great mass of the business of this country was carried on upon bills of twelve months, or six months, or even of longer date than three months. The information which he had received, and upon which the Government had proceeded in framing this measure, had come from bankers and great money-lenders, who all had a distinct interest in making what were formerly considered usurious practices legal. The greatest mischief had resulted from lending money at a high rate of interest, and the conduct of the Bank of England in this respect had led to its own embarrassment, and driven it to within a hair's breadth of stopping payment, and to the discreditable necessity of borrowing money itself. This bill would not correct the evils with which the money market was infected; it would only enable rich money-lenders to profit by the necessities of their poorer neighbours. The real question which their Lordships had to consider at that moment was, whether the noble Marquess had proved that there was the slightest necessity for hurrying this bill through Parliament within a few days of its prorogation. He earnestly recommended their Lordships not to think of extending the measure to the period proposed without further inquiry.

Lord *Monteagle* rejoiced to hear that his noble Friends were disposed to entertain, even next Session, an inquiry into the operation of the usury laws heretofore, and into the effects produced by the alterations which had been made in those laws. With respect to the remarks of the noble Lord upon the evidence of bankers and great money-lenders, he would ask, was not their evidence one of the elements upon which legislation in this matter should proceed? But it would be asked, will you not hear the other classes who have paid large sums of money for the accommodation they have received? No doubt they ought to be heard; and at the same time it would be as well to consider whether under the former state of the law, they could have got any such accommodation at all. To a certain extent the principle of the usury laws had been abolished; for as soon as the Legislature had sanctioned the lending of money, it destroyed the principle of usury. Persons were not now compelled to pay more than 5 or 6 per cent. for loans. [Lord *Wharncliffe:* 50 or 60 per cent.] Was it possible to conceive that such was the case? Why, if 50 or 60 per cent. could be made in any branch, the effect would be to make all the capital of the country flow into that traffic. He would refer their Lordships to the evidence which had been taken on this subject. In 1832 evidence was taken before the Bank Charter Committee, upon the expediency, usefulness, and probable benefits that might be derived from an alteration of the law. In 1838 further evidence was taken, and the governor of the Bank of England was asked, "What effects do you think were produced by the repeal of the usury laws in relation to bills of exchange during the late commercial crisis?" The answer was, "I think the effect was very good in general, as a general principle of law." He was asked, "Do you consider the extension of that law with regard to ninety-one days bills to bills of a longer date advantageous?" The reply was, "Certainly, because otherwise Indian bills would be excluded." Their Lordships would find that Mr. Jones Loyd had given to the public in a printed paper the result of his experience of the pressure on the money market during the years 1838 and 1839, in which he remarked, "It is difficult to say to what extremity the Bank would not have been reduced, if there had not been a partial repeal of the usury laws." He admitted, that this opinion was mere authority, but had he nothing beyond authority? Let their Lordships look to the three periods of commercial pressure in 1825, and again in 1837 and 1839. He contended, that on such occasions the danger to the commercial interests of the country must be materially lessened by allowing money, like everything else, to find its value in the market. Let their Lordships look at the number of banking houses which failed in 1825, and compare them with the failures in 1837 and 1839. He did not say, that these circumstances were conclusive on the subject, but they were at any rate deserving of their Lordships' attention. He sincerely trusted, that the question of the propriety of a total repeal of the usury laws, would be fully investigated by a committee of their Lordships' House. On a subject of so much importance to a commercial country like this, the Legislature ought to make up their minds, and he did not think, that the continuing of a bill like the present from year to year, was exactly the way in which the question should be treated. He rejoiced therefore at the prospect of there being a full inquiry into the subject, and of an opportunity being afforded for a calm consideration of the policy of continuing the present relaxation of the usury laws, or of abandoning it altogether.

The Marquess of *Lansdowne*, had no doubt that the capital which had come into the market since the partial repeal of the usury laws would not have been left unemployed, even if those laws had not been relaxed, but it would have gone to other countries, and have been invested in illegal and fraudulent speculations. The great merit of the present bill was, that it put an end to the great mass of illegal and fraudulent transactions which formerly were carried on. He was quite ready to close with the proposition made by the noble baron opposite, that the question of the operation of the usury laws, one most important to the interests of the country, should be the subject of a grave and full inquiry before a committee, and he agreed that it would not be desirable to consider it in connexion with the affairs of the Bank and the future administration of that body. He was perfectly prepared, therefore, to omit the word "two" in the bill, and continue the present law for one year longer only, with the understanding that in the course of the next session their Lordships should go into a full inquiry on the subject.

Lord *Wharncliffe* said, that if the noble Marquess would confine the operation of this bill to one year, and would undertake that there should be a full inquiry next session, that would quite answer his purpose.

Their Lordships went into committee.

Bill went through committee, and was reported.

MUNICIPAL CORPORATIONS (IRELAND).] On the motion of Viscount Duncannon the Municipal Corporations (Ireland) Bill was read a third time.

Lord *Lyndhurst* had two or three amendments to propose, to which he begged to call the attention of their Lordships. The first of these was that which related to the Recorder of Dublin. An alteration had been made in the bill in committee, but he believed that their lordships were not aware of all the circumstances under which that alteration had been made. He therefore proposed to strike out of the 161st clause these words, "or as the Lord-lieutenant shall from time to time think fit to direct." Three years ago an agreement had been made between the Recorder of Dublin and the law officers of the Crown, meaning by them the law officers of the Crown in Ireland, by which it was stipulated that no alteration should be made in the office of the Recorder of Dublin. The law officers of the Crown, however, had since been changed, and it was said that with new men came new measures, and in consequence an alteration had taken place in the bill of the present year. Now, if the object of that alteration was to exclude the present Recorder of Dublin from Parliament, that object should be carried into effect by a direct clause, and not by a side-wind, which it was the object of the present bill to accomplish. It had been said, "why should not the Recorder of Dublin be placed on the same footing as other recorders?" Why, for this plain reason, because the office which he held was different in its nature from that filled by other recorders in Ireland. The office of the Recorder of Dublin was an ancient office. He held a Court of Oyer and Terminer and Gaol Delivery for all crimes except that of high treason. He also held a court for the trial of civil causes of which he had cognizance to any amount. Their Lordships would find also that his office was regulated, not only by charter, but by Act of Parliament. The Recorder of Dublin held a session eight times a-year, which he was obliged to do by Act of Parliament, so that he held a court every six weeks. Did he perform his duty and carry into effect the provisions of the Act of Parliament? He did more, he held a court for the trial of criminals twelve times a-year. He also held a court four times a-year for the purpose of discharging persons who were out on bail. Further, he held sessions four times a-year for the purpose of hearing appeals. He also held a court four times a-year for the hearing of civil bill causes, so that their Lordships would find, that he held about twenty-eight sittings in the course of a-year And in what manner did he conduct himself? He never quitted his court when one prisoner remained to be tried, or when one cause was undisposed of, unless a special application had been made for postponement. Why, then, should the Lord-lieutenant dictate to the Recorder of Dublin the times of holding his court any more than he should interfere with the superior courts in Ireland? Who was the proper person to decide—the judge who held the court, or the Lord-lieutenant of Ireland, or he should rather say the Secretary for Ireland? It had been said in debate that the judges were not satisfied with the conduct of the Recorder. That, however, was not correct. The profession were satisfied and so were the judges, with one exception, and that exception was Mr. Justice Perrin. It was far from being his intention to speak of Mr. Justice Perrin with disrespect, but at the same time he knew him as a violent political partisan, and one who had throughout opposed himself to the Recorder and the corporation of Dublin. Their Lordships knew that Mr. Justice Perrin formerly sat for the city of Dublin, and that, on the prosecution of the parties connected with the corporation, he was convicted of bribery, and disabled from sitting again for that city. He confessed, therefore, that when he found that all parties were satisfied with the administration of justice in the Recorder's Court except Mr. Justice Perrin, he was not much disposed to lay any great stress upon the authority of his opinion. Now what did the commissioners say? He did not rely upon the evidence, because that evidence was given *ex parte*, and he had been too much accustomed to the administration of justice to attribute much weight to evidence given where no opportunity was afforded for cross examination. But what did the commissioners say? Why, they said this—that the Recorder had discharged his duties efficiently. He saw no reason, therefore, why this alteration should have been introduced in the present bill. It was not in the bill of last year, nor in the bill of 1838; and with these few observations he should move that the words which he had read be omitted from the clause.

Viscount *Duncannon* regretted that he could not accede to the proposition of the noble and learned Lord. In the first place the provision in the present bill was the same which stood in the bills of 1835, 1836, and 1837. In 1838 certainly an alteration was made. He could not see why the Recorder of Dublin should not be placed on the same footing as the recorders of other parts of Ireland. The gaol of Dublin was, as their Lordships well knew, filled with prisoners, and the Recorder in Cork held a court every week. The present regulation was to enable the Lord-lieutenant, if he should think fit, to empty the gaols by directing the recorder to hold courts at shorter intervals than at present. He could not see why an exception should be made in favour of the Recorder of Dublin, and he should, therefore, take the sense of the House on the subject.

The Earl of *Haddington* said, the Recorder of Cork did not hold an office of the same magnitude as that of the Recorder of Dublin, nor did he hold a Court of Oyer and Terminer. The noble Viscount opposite said, that he should like to know what difference there was between the Recorder of Dublin and other recorders in Ireland. He would tell the noble Viscount. The Recorder of Dublin, happened to be a Member of the other House of Parliament, and the whole object of the bill was to prevent him from sitting there. Now, if it were right that the Recorder of Dublin should not have a seat in Parliament, in Heaven's name let a bill be brought in with that avowed object, but he would resist any measure which, like this, attempted to effect that object in an underhand manner.

The Marquess of *Lansdowne* had heard with some surprise from his noble Friend opposite, that there was a difference between the Recorder of Cork and the Recorder of Dublin. He believed, that the words which his noble Friend used were, that the office of Recorder of Cork was not an office of great magnitude, and it was exactly because the office of Recorder of the city of Dublin was one of great magnitude, that he thought that the Recorder ought to render efficient services to the population of that city. The recorder of Dublin had a very large salary assigned to him, and he ought to discharge his duties in a way not inferior to the manner in which they were executed by the recorders of other large towns. He said nothing disrespectful, he meant nothing disrespectful to the learned Gentleman who at present filled that office, and who he knew had discharged his duty most honourably, most faithfully, and most ably. But he was not to be told, because that learned Person was a Member of Parliament, the people of Dublin were to be deprived of the services of their recorder. He cared not whether the Recorder of Dublin was a Member of Parliament or not, but he did care whether there was or was not an efficient recorder. In Cork the population had the benefit of a weekly delivery of criminals; the population of Dublin had not that benefit; but it was contended, that they ought to want it, because the recorder was a Member of the other House of Parliament. He held in his hand a return of the accumulated number of prisoners at present in the gaol of Dublin, which amounted in the whole to 212, 90 of whom were females. Now, was that fit or right? He asked the noble and learned Lord who had paid so much attention to the subject of prisons generally, whether he thought that this ought to be the permanent state of the prisoners in the city of Dublin? He could not think, that their Lordships ought to come back to the consideration of this subject after having introduced an alteration in the committee which gave to the Lord-lieutenant the power of relieving the gaols, and he hoped that his noble Friend would take the sense of the House upon the question. The name of "justice to Ireland" might often have been abused, but if ever justice to the inhabitants of a particular city was at stake, he thought that it was in the present instance.

The Duke of *Wellington* said, that after the lapse of several years it had at last been discovered that the recorder, who was an officer, proved to their Lordships to hold his court twenty-eight times in the course of a year, and to have been most effective, most zealous, and most able, in performing his duties, and against whom no complaint whatever had been made, ought to be excluded from Parliament. The question for their Lordships to decide was, whether the Recorder of Dublin, only because he was a Member of Parliament, and had not exactly pursued the course which was agreeable to certain persons, should for that reason be excluded from his situation in Parliament, and branded as a criminal, in order to satisfy a particular party. "Come forward fairly," said the noble Duke, come forward fairly with a clause in the bill, and say that the right hon. Frederic Shaw shall not sit in Parliament—do that, if you please, and see what Parliament will say to that proposition. But do not come forward with a proposition, and throw upon the Lord-lieutenant the necessity of relieving the gaols by way of making a specious proposition which you well know could not be otherwise made without opposition, and which is introduced for the first time on this occasion. I for one will vote against that proposition. If I did not vote against it, I should accede to an unjust party proposition, made for the purpose of gratifying those who have a disinclination—for I will not use any more forcible term—to Mr. Shaw. It is a proposition made to gratify a particular party in Ireland, and directed against a gentleman by whom it is undeserved in every way, because I declare my firm belief is, that there is no public officer in the service of the state who has performed his duties in a more zealous, a more meritorious, a more able, and a more satisfactory manner than that right hon. gentleman.

The Marquess of *Lansdowne* wished to say, in explanation, that this was not the first time on which this provision had been introduced into the Irish Municipal Bill, but that, on the contrary, it had been introduced into every bill but one. He wished also to state, that he did not say that no complaints had been made in Ireland against the Recorder of Dublin. He had stated, that no complaints whatever had been made against the great talents and integrity of that learned gentleman, but there was a complaint made that the gaols were not delivered. [Lord *Lyndhurst:* By whom]? I make it. It is in this paper. I ask the noble and learned Lord whether he does not think there is cause for complaint when 212 prisoners, 90 of whom are females, are left untried? I state most solemnly on my part that I have no party feeling to gratify in this matter, but I think that whether the Recorder of Dublin be Whig, Tory, or Radical, the Lord-lieutenant ought to be able to make arrangements to make him do his duty.

The Marquess of *Normanby* would only say in answer to the question as to where the complaint was made, that it was a complaint not made now for the first time, and made upon an occasion when he did not think their lordships would say there was a party object to be served. In 1837 the judge whose duty it was to charge the Lord Mayor of Dublin—[Lord *Lyndhurst*: What judge?] Mr. Justice Perrin. [Lord *Lyndhurst*: That is sufficient to account for the complaint]. Mr. Justice Perrin called his attention on that occasion to the state of the gaol, and the result of the inquiries which he had instituted in consequence convinced him that it would be of the greatest benefit to the city of Dublin if there were more frequent gaol deliveries. The noble and learned Lord had taken particular notice that it was Mr. Justice Perrin who had charged the Lord Mayor on the occasion to which he had referred. He had named Mr. Justice Perrin as the judge who had performed that duty, and in naming him he named a judge who had devoted more time than perhaps any other person in Ireland to the subject of prisons generally, and whose opinion was consequently entitled to the greatest weight.

Lord *Wharncliffe* asked if it was intended that in all towns which had a large population the recorder should sit every week? Was it so in London; and if not, although the population was much larger, why should it be necessary in Dublin?

The Marquess of *Clanricarde* observed, that the whole debate showed that the amendment was supported upon party and personal motives. The measure was considered solely with reference to the right hon. Mr. Shaw, an able, an upright, and a learned judge, he admitted; just as if he were immortal, and was to be Recorder of Dublin for ever. Not one word had been said about the welfare of the people of Dublin on the other side of the House. Exactly the same thing was done when this measure was passed, and that measure rejected, because it would be disagreeable or agreeable to Mr. O'Connell; and now, because Mr. Shaw was concerned, the cause of good legislation and the due administration of justice in Ireland was sacrificed. As to the comparison made between London and Dublin, it proved nothing, for experience showed that a gaol delivery once a month was not sufficient in Dublin.

Their Lordships divided: Contents 58; Not-contents 42; Majority 16.

Amendment agreed to.

On the 185th clause.

The Earl of *Haddington* proposed an amendment, enabling the Lord Mayor elect of Dublin to fill the office of President of the Court of Conscience for one year.

The Marquess of *Normanby* opposed it, on the ground that the gentleman who was Lord Mayor elect had once already filled the offices of Lord Mayor and President of the Court of Conscience, and had gone out of his way to fill the latter situation again, knowing that this bill was sure to pass into law.

Their Lordships divided on the question that the amendment be added: Contents 58; Not-contents 39; Majority 19.

Clause added to the bill.

The Bishop of *Exeter* rose for the purpose of proposing an amendment relative to the interests of the Protestant Church in the advowsons of livings in the gift of the Irish corporations. He had been told that the amendment which he was about to propose was a money clause, and therefore an interference with the privileges of the other House of Parliament. If it were so, he would not press his amendment to a division. He intended to propose that when these advowsons should be sold, the proceeds, instead of being paid into the hands of the treasurer of the borough to which they belonged, should be paid into the hands of the Ecclesiastical Commissioners, to be by them expended for the purpose of building a church or churches in that borough, or for such other religious purposes as the Ecclesiastical Commissioners might think necessary within the limits of the borough. Their lordships must be aware, that as the bill now stood they were giving away funds from the Church of Ireland to corporations which would prove its deadly enemy.

The Duke of *Wellington* said, that it had always been the study of their Lordships to avoid interference with the privileges of the other House of Parliament. Now this amendment was a decided interference with those privileges, and as such he must oppose it.

The Bishop of *Exeter* said, that after the peremptory declaration of the noble Duke, which he had no doubt was made after due deliberation, he should withdraw his amendment.

Amendment withdrawn.

On the question that the bill do now pass.

The Bishop of *Exeter* said, that it was not his intention to divide the House on this question; but he could not suffer this motion to pass without expressing his deep regret, and he must even add, his great astonishment, that such a vote should be carried in their Lordships' House. In passing this bill their Lordships were not, as in 1829, passing a bill which they believed would pacify Ireland, and give stability to the Protestant Church in that country. On the contrary, they were passing a bill, which they saw must be destructive to that Church; they were passing it knowingly and deliberately, against warning, against experience, and, he firmly believed, against their own conviction. "It will not, and it cannot, come to good,"

Bill passed.

The following protest was entered by the Bishop of Exeter against the passing of the bill.

DISSENTIENT—

1. Because no sufficient proofs of delinquency or misconduct were adduced against the municipal corporations of Ireland, to justify so sweeping a measure of destruction, in contempt of the sacredness of ancient charters, and in defiance of those principles which, till within the last few years, were wont to distinguish the legislation of the British Parliament, and especially of this House.

2. Because, in the admitted absence of such proofs of delinquency, the plea, on which the measure was mainly rested, the exclusive character of the existing corporations did in effect establish the fidelity of those bodies to the one great end for which they were all alike created, the maintenance of the British interest in Ireland; the more ancient corporations having been founded as fortresses and fastnesses to protect that interest against the rebellious attempts of the native Irish, and of the descendants of the earliest English settlers; the more modern combining, with this great common object, the still greater and more sacred purpose of maintaining the cause of true religion against the unceasing efforts of the Papists to re-establish the domination of their own priesthood in its grossest and most revolting form.

3. Because, if it be true that the continuance of bodies in practice exclusively Protestant, be no longer consistent with the policy which seeks to deal with all distinctions of religious faith, as equally unworthy of peculiar favour in the political institutions of the empire, common sense and common justice alike point out the only proper course to be pursued —the simple abolition of those bodies, when the cause for which they were created is supposed to have ceased.

4. Because the adoption of a measure, which is admitted by all to ensure the establishment of bodies of Roman Catholics equally exclusive as those which they are made to supersede, is not only contrary to common sense and common justice, but also to the spirit of most solemn promises and engagements repeatedly made by those who advised, and ultimately carried, the Act for the relief of her Majesty's Roman Catholic subjects in 1829. The leaders in that great and perilous experiment pledged themselves to propose to Parliament the reenactment of the statutes which were then repealed, or the adoption of still more stringent restraints, if the parties, who were freed from the restrictions before imposed, should prove (as they notoriously have proved) themselves unworthy of the confidence then reposed in them, and should renew their attempts against the Protestant Church in Ireland. If any unhappy concurrence of circumstances has prevented the literal redemption of that pledge, yet the least and lowest obligation which it can justly be understood to have imposed was, the duty of a resolute and firm resistance to every new proposition for increasing the power of so bitter, so unrelenting, and so perfidious, an enemy.

5. Because, although it was declared by high authority, on the second reading of the bill, that it would be unworthy of finally passing into a law, unless such amendments were introduced as should give security against the establishment of other bodies equally exclusive with those which are abolished, yet the amendments actually made not only give no such security, but do not even attempt nor profess to give it, their only object being to mitigate the acknowledged mischiefs of the measure, and in some trifling degree to limit the power with which it arms the Popish democracy of the cities and towns in Ireland to tyrannize over the Protestant and more opulent classes of inhabitants, and to extort from them funds for the more speedy and effectual execution of their own unhallowed designs.

6. Because there is strong reason to believe, that the final passing of the measure was the result rather of considerations of party convenience, than of any large and liberal views of national policy—none of those who had it in their power to decide on the ultimate fate of the bill venturing to pronounce it a measure either just or safe in itself, or worthy of favour on any other account, than that it put an end to a question which could no longer remain unsettled, without dividing public men, who, from the purest motives, wish to continue to act together. Thus were the gravest interests of the country forgotten in personal considerations—the end was sacrificed to the means, and the only plea which can justify the combination of statesmen, the more effectual assertion and maintenance of a great common principle, was here openly abandoned.

7. Because the House of Lords having, since the passing of the Act for the Reform of the Commons House of Parliament, been practically deprived of what was wont to be deemed

its constitutional share of control over the Executive power of the Crown, was yet enabled, till the present disastrous Session, to retain, and to assert, its legislative independence; and by the wise and efficient exercise of its just privilege, or rather of its highest duty, in the correction or rejection of bad bills, had continued to earn and to enjoy the grateful veneration of the English people. That lofty position it has, in this instance, voluntarily surrendered; and has thus, by its own act, gone far towards realising the prophetic declaration of Sir W. Blackstone, that the constitution of England would be destroyed, and could only be destroyed, by one of the three branches of the Legislature losing its constitutional weight, and submitting to the domination of the other two.

8. Lastly, and above all, because by this wilful and deliberate abandonment of the cause of true religion, and of the security of the Church in Ireland, to which the fundamental laws of the constitution, the Act of Union, the oath of our Sovereign, and all the most sacred duties of subjects to their ruler, and of men to their Maker, alike bind us, we have provoked the justice of Almighty God, and have given too much reason to apprehend the visitation of Divine vengeance for this presumptuous act of national disobedience.

H. EXETER.

HOUSE OF COMMONS,

Friday, July 31, 1840.

MINUTES.] Bills. Read a first time:—Parochial Rates; Parliamentary Franchise (Ireland).—Read a second time:—Coal Duties (London); Consolidated Fund; Exchequer Bills (10,751,550*l.*); Dublin Police; Ecclesiastical Courts (No. 1); Ecclesiastical Courts (No. 2).—Read a third time:—Slave Trade (Venezuela); Notice of Elections; Population (Ireland); Bank (Ireland); Parochial Assessments; Joint Stock Banking Companies; Regency.

Petitions presented. By Mr. Hodges, from Fruit Growers of Kent, to raise the Duties on Foreign Fruit.—By the Earl of Darlington, from the Solicitors of Oswestry, and Shrewsbury, to remove the Courts of Law.—By Mr. Tennent, from Wesleyan Methodists, for the Discouragement of Idolatry in India.—By Mr. Warburton, from Aliens residing in the City of London, for Inquiry into the Restrictions on them.

REGENCY BILL.] Lord *John Russell* moved the third reading of the Regency Bill.

Agreed to.

On the motion that the bill do pass,

Mr. *Freshfield* begged to call the attention of the House to some contingencies, which in his opinion, were not sufficiently provided for by the bill as it stood. He thought it was right, if not absolutely necessary, to provide for the immediate assembling of Parliament in case of the death or legal disqualification of the regent, in the event of this bill ever becoming operative. He hoped that the clauses of which he had given notice, and which provided for such a contingency, would be agreed to, in which case there would be a constitutional mode of calling together Parliament. The hon. Gentleman then moved that the following clauses be added to the bill:—

"And be it further enacted, that if his Royal Highness Prince Albert shall depart this life during the continuance of the regency by this act established, or cease to be regent under any of the provisions thereof, the lords of the Privy Council then in being, shall forthwith cause a proclamation to be issued in the name of the King or Queen for whom such regent shall have been appointed, under the Great Seal of the United Kingdom of Great Britain and Ireland, declaring the same; and in case the Parliament in being at the time of the issuing of any proclamation declaring the death of the regent, or that he has ceased to be regent under any of the provisions of this act, shall then be separated by any adjournment or prorogation, such Parliament shall forthwith meet and sit.

"Provided always, and be it further enacted, that in case any such proclamation as aforesaid shall issue in any or either of such cases as aforesaid, at any time subsequent to the dissolution or expiration of a Parliament, and before the day appointed by any writs of summons then issued for assembling a new Parliament, then and in such case the last preceding Parliament shall immediately convene and sit at Westminster, and be a Parliament, and continue during the space of six months, and no longer, to all intents and purposes as if the same Parliament had not been dissolved or expired, but subject to be sooner prorogued or dissolved. Provided also, that if any such proclamation as aforesaid shall issue in any or either of such cases as aforesaid, upon or at any time after the day appointed by any writs of summons then issued for calling and assembling a new Parliament, and before such new Parliament shall have met and sat as a Parliament, such new Parliament shall immediately after such proclamation convene and sit at Westminster, and be deemed to be a Parliament in being to all intents and purposes under the provisions of this act."

Lord *J. Russell* had considered the proposal of the hon. Gentleman, and it seemed to him better upon the whole to take the bill as it had been sent down from the House of Lords, and on the principle on which it was framed in conformity with the regency bill of 1830. The bill provided fully for the first contingency that could arise, and he thought it better to leave future contingencies to be provided for by the Parliament of the time.

Such Parliament would have the case fully before it, and he must say, that in his opinion, they would on that account be better able to meet the case. He thought that there was no necessity whatever for providing now for any such improbable event as he thought contemplated by these clauses, and he would, therefore oppose them.

Clauses negatived. Bill passed.

Railways.] On the motion of Lord Seymour, the Railways' Bill was read a third time.

Some verbal amendments to the third clause having been moved,

Mr. *Finch* was desirous of expressing his hope, that this clause was so worded as to enable the Board of Trade to obtain from all railway companies such accounts as would show what was the amount charged by them for tolls, and what for locomotive power. It seemed to be the policy, and it certainly was the practice, of all the railways to heap the whole sum into a gross charge, and not to separate the sum asked for toll from that required for locomotive power. In order to illustrate what he intended, he would call the attention of the House to the charge made by the London and Birmingham Railway Company. The charge of the London and Birmingham Railway was, for the conveyance of carriages 3*l*. 15*s*. Now he found on looking at their Act of Parliament, that they were not allowed to charge for a carriage not exceeding a ton in weight, more than 4*d*. per ton per mile for toll, the maximum charge, therefore, for toll, would be 1*l*. 17*s*. 4*d*. The difference between that sum and 3*l*. 15*s*. was a charge entirely for locomotive power, and inasmuch as the public had, under the act, no control over the charge for locomotive power, it might be doubled at the will of the company. So was it with the charge for horses. The toll for each horse was 1½*d*. per mile, that would amount to 14*s*., the charge is 3*l*. 10*s*., the difference between the two sums was the charge for locomotive power, and that amounted to 2*l*. 16*s*. He had had the opinions of many competent persons, that one farthing for each passenger per mile, and a farthing for each ton of goods per mile, would be a sufficient remuneration for locomotive power, and if that were a sufficient charge, he looked upon the amount now demanded as outrageous. He knew that Parliament was not yet sufficiently aware of the actual cost of locomotive power to determine whether the charge was sufficient or not, but he asked the Government to require from the companies such an account as would inform the Government, and let the public know what was charged for each object. Again, the charge for passengers allowed for toll at 2*d*. a mile, that would amount to 18*s*. 8*d*., the charge for locomotive power at a farthing a mile would not be more than 2*s*. 4*d*., the charge was 1*l*. 10*s*., and there was thus a difference of 11*s*. 4*d*., more than four and half times as much as in the opinion of engineers was necessary. He hoped that the noble Lord would direct his attention to this part of the subject, because the public, as passengers, were at the mercy of the railway companies. So also was it with respect to the conveyance of goods. The London and Birmingham Railway Company would not enable all parties to carry goods. He saw by looking into their Act of Parliament; that their tolls were divided into three classes, one class was 1*d*. per ton per mile, the second was 1½*d*. per ton per mile, and the third was 2*d*. per ton per mile. The company, however, charged one gross sum of 1*l*. 13*s*. per ton for all these classes. They, therefore, made a charge upon the first class of 9*s*. 4*d*. for toll, and 1*l*. 3*s*. 8*d*. for locomotive power, and they thus charged 2½ to 1 as compared with the tol[illegible]r locomotive power, and if one farthing a ton per mile was ample, they were charging 600 per cent. more than was sufficient. He, therefore, trusted that the Board of Trade would, when the act should come into operation, turn their attention to these points, because so great a revolution was about to take place in the method of transit for goods and passengers, and the public, in consequence of the breaking up of the old methods of travelling, were so much at the mercy of the railway proprietors, that unless attention was directed to these points the public would never consent quietly to the continuance of the monopoly. Some one would be found to start up and claim the right, which, as he contended, they had, of using the railroads upon payment of the tolls.

Lord *Seymour* said, that the clause did not enter into the details which the hon. Member required. The House was aware, that he had prepared the clause in pursuance of the general understanding, that it should include the charge to the public, but should not enter into the amount of profit derived by the companies. Now, if they called for a return of the charge for locomotive power as a separate item, it would be of no use unless they also had some proof of the cost which the companies were put to for that power. It would, therefore, be of no avail to ask for the charge for locomotive power alone. He had strictly adhered to the wish of the House, and endeavoured to classify the different heads of tolls, rates, and charges on the public, and he had limited the clause to that object.

Mr. *Finch* said, that it turned out just as he had expected, there would be no protection to the public by this clause against unlimited charge for locomotive power.

Lord *Granville Somerset* differed wholly from the hon. Member for Walsall, for he thought there should be no specific return of the charge for locomotive power, first, because he thought, that it would be very difficult to obtain from the railroad companies what they did charge for this power, and next, because under that head there were many sums that were not included in the toll, he meant the charge for the different stations, porters, &c., which it was impossible to break up into particulars. He did not see why they should ask any question as to the general management of the railroads, he did not know any reason to suppose that the companies charged more for locomotive power than was necessary, and if they wanted to see a difference in the price of the conveyance of different classes of the community maintained, they must not look too closely into the charge for locomotive power. The charge to the company for the poor man's conveyance was the same as for the rich man's, and if they made the charge to the public uniform, they would raise the price for the carriage of the poor man. Therefore, looking at things practically, he was glad that the noble Lord had confined his clause within its present limits.

Mr. *Hindley* entertained the same opinion. He saw in the observations of the hon. Member for Walsall a great jealousy of railroad companies. But when they looked at the patriotic spirit with which these undertakings had been carried on, when they saw the facilities which they afforded to the public, enabling an hon. Member with ease to pop over to Dublin, and to be back in his place in the House in a few days, and when they knew how little profit had been yet realised, he thought that Parliament had no right in this early stage of the proceeding, to object to the remuneration they obtained.

Mr. *Ewart* observed, that the railway proprietors did not arrogate to themselves any more patriotism than canals or other public companies, but they did not want to be interfered with any more than those other bodies. He recollected, that when he was on the committee for the first railroad, it was strongly opposed by a canal company that had been in existence seventy years, and was paying 33 per cent. upon each share, whilst the 100*l.* shares sold for 1,200*l.* There was, then, no jealousy of the canals. Why did not the hon. Member for Walsall, who might be considered as representing the water affairs in that House, subject the companies with which he was connected to the same rules? It was his firm belief, if such inquisitorial proceedings were encouraged, all such bold undertakings as had given this country a name above other nations, would be materially checked, and they would lose the advantages which these undertakings were likely to confer.

Mr. *Henry Baring* said, that whereas a maximum price existed for tolls for the transit of goods and passengers, the railway companies might charge any sum for locomotive power, and were not limited to any particular price. He thought that the statement of the hon. Member for Walsall went more to that point than any other, and it was one which was well worthy of consideration.

Mr. *Aglionby* thought, that great injustice had been done to his hon. Friend, the Member for Walsall, by representing him as representing the water interest. His hon. Friend assured him, that he had no share in any water or canal company. He believed, that some Members of that House could not say so much with respect to railways. He thought that the hon. Member had only the interest of the public at heart. He did not understand his hon. Friend to desire, that inquisitorial powers should be given with respect to the proceedings of railway companies, but merely that it was necessary to have a salutary check upon them as regarded the public. All he said was, that they had cut up the country—that they had infringed private interests on the plea that they would effect a great public good—that they had, in fact, a monopoly—and that it was not fair they should pay 30*l.* or 40*l.* per cent. profit, and if they did, they ought at least to produce their accounts.

Mr. *Easthope* could not suffer any observations as to the individual interests of Members, to be introduced into the debates of the House without making some remarks. It was notorious that he was interested in railway property, but was that a reason why he should not be convinced that it was for the benefit of the proprietors that the public convenience should be promoted at the least possible cost? This being the opinion of all interested in railway property, they were naturally anxious to take part in a matter in which their own welfare, and the advantage of the public were identical. If such a doctrine as that which he had just heard were to be made use of in that House, it must necessarily happen, that when an hon. Member rose in his place to discuss the question of the corn-laws, it would be held that he was to be suspected and looked upon with jealousy, and that his observations were not to be received without apprehension, should he happen to be a landlord. Now, he held that because he was a landlord he would be so much the more anxious that the corn-laws should be placed on a good basis, and accord with the general interests of the community, and instead of this militating against his remarks, it was a ground why his observations should be received with greater attention.

Mr. *Muntz* could not but recollect that it was not a long time since the railway proprietors were laughed at, and told that they would never get any return for their money. Having risked their capital, they were fairly entitled to the profits. Suppose there had been a great loss on their speculations, would the public have consented to give them an indemnification? Certainly not. He knew a canal in which the 100*l.* shares sold for 3,500*l.* each, yet did they hear any one say that the tolls on this canal ought to be lowered. Individuals who had subscribed their money at a great risk for a public improvement ought to have a fair chance of great profits if they were made.

Sir *Charles Burrell* thought that any inquisitorial power would cramp the energies of the country. They ought not further to inquire into the affairs of these companies than to protect the public interests. They ought to see to steam-vessels as well as railroads, for he knew a case in which lives had been lost because no boat was kept on board a steamer.

Amendments agreed to.—Bill passed.

INFANT FELONS.] On the Order of the Day for the Committee of the Infant Felons' Bill,

Lord *Granville Somerset* said, the House did not seem to have sufficiently attended to the principle of this bill. The object of it was to give the Lord Chancellor a power of transferring children who may have committed felony to the care of any benevolent persons who might undertake thereafter to educate and provide for them. No doubt such a measure had arisen from a benevolent feeling, but he called on the House to pause before they sanctioned such an interference with the rights of parents. He had many objections to the details of the bill, but he would then content himself by moving that it be committed that day three months.

Lord *John Russell* said that this bill had come down to them with the sanction of the Lord Chancellor and the other House of Parliament. The object of the bill was to remove children from the influence of vicious parents. Hitherto the law had been directly opposed to the benevolent views of those individuals and societies who had exerted themselves to save children from further perversion, and the object of this bill was to place a discretionary power in the Lord Chancellor for the purpose of facilitating their efforts. If the House went into committee, he would be prepared to strike out that part of the bill which gave it an *ex post facto* effect as regarded offenders already convicted.

Mr. *Wakley* objected to the bill as throwing additional duty on the Lord Chancellor, when he was too much burthened already. He also objected to the bill, as an arbitrary interference with the rights of parents, and as affording a ground for stigmatising parents with the faults of their children.

Amendment withdrawn. House in Committee.

On the first Clause,

Mr. *Briscoe* moved an amendment that fourteen years be substituted for twenty-one.

Mr. *Wakley* was opposed to the bill altogether, as giving too much power to the Lord Chancellor, who might transport a child beyond seas, or imprison him for an indefinite period.

Mr. *Aglionby* said the hon. Member for Finsbury had an entire misconception as to the effect of the bill.

Mr. *Ewart* thought it advisable to postpone the bill till next Session.

The Committee divided on the question that twenty-one stand part of the clause:—Ayes 37; Noes 4—Majority 33.

Mr. *Briscoe* then moved that no infant under this bill be sent out of the United Kingdom.

The Committee divided on the question that those words be inserted:—Ayes 7; Noes 33—Majority 26.

List of the AYES.

Blackstone, W. S.
Ewart, W.*
Finch, F.
Grey, rt. hn. Sir C.*
Polhill, F.
Somerset, Lord G.*
Turner, E.

TELLERS.

Briscoe, J. I.
Wakley, T.

List of the NOES.

Aglionby, H. A.
Ashley, Lord
Baines, E.
Baldwin, C. B.
Baring, rt. hon. F. T.
Barnard, E. G.
Brotherton, J.
Clay, W.
Estcourt, T.
Ferguson, Sir R. A.
Hindley, C.
Hobhouse, T. B.
Hoskins, K.
Morris, D.
Muntz, G. F.
Muskett, G. A.
Nicholl, J.
Norreys, Sir D. J.
Philips, M.
Russell, Lord J.
Salwey, Colonel
Scholefield, J.
Smith, B.
Somers, J. P.
Talbot, C. R. M.
Thornely, T.
Tufnell, H.
Vigors, N. A.
Villiers, hon. C. P.
Wall, C. B.
Warburton, H.
Wood, G. W.
Wyse, T.

TELLERS.

Maule, hon. F.
Stanley, hon. E. J.

Bill went through the Committee and was reported.

GREEN PARK.] Mr. *Baring Wall* said, that in making the motion of which he had given notice he did not mean to cast any reflection on the noble Lord at the head of the Woods and Forests; on the contrary, no one was more anxious than he was to compliment the noble Lord for his general management of the parks. He thought the public were greatly indebted to him for the increased facilities that had been given for admission to Hampton Court, and for the improvements that had taken place in Hyde-park. In reference to this present motion, he understood that it was not the intention of the Commissioners of Woods and Forests to inclose any part of the Green-park, and he was glad that this was the case; for it might be considered the great play-ground of the people of London. The House would recollect that a committee had sat this year on the subject, and any hon. Member who had read their proceedings, would be convinced of the great evils that were caused by the want of open spaces in large towns. He was not the advocate of the rights or privileges of the higher classes; but of those classes to whom the open space in the Green-park was of great value. He did not think that there was much force in the objection of his hon. Friend (Mr. Stanley) as to the want of a proper police. If the police regulations were defective, there was no police so effective as a row of gas-lamps. He suggested that it would be desirable to have a row of gas-lamps on the outside fence, like those in St. James's-park. He had no objection to any new regulation of police that might be necessary, but he thought it strange that those persons who possessed houses between Piccadilly and St. James's-park should turn round on the Department of Woods and Forests (to whose kindness they were much indebted) and ask for additional police regulations. Why had they not keepers for their gardens, as was the case in the different squares in London. The hon. Member then suggested several improvements which he wished to see done—particularly a broad gravel walk from the reservoir to St. James's, and a foot gate opposite Devonshire-house. He had no wish to prevent kite-flying or ball-playing, or to deprive the boys of their only play-ground, but he objected very much to any inclosure. He hoped, therefore, that his hon. Friend would assure the House that there was no intention to make any inclosure on a large scale. It was more as a matter of form than with any intention to divide the House, that he moved for the production of plans with reference to any proposed alterations in the Green-park.

Mr. *E. J. Stanley* was afraid that it was impossible that any plan could be laid before the House, as several had been given, and none as yet adopted. In reference to the observations of the hon.

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* Voted with the Ayes on the first division.

Member, he could only repeat what he had stated on a former occasion, that there was no intention on the part of the Commissioners of Woods and Forests to inclose any part of the Green-park. With regard to the other observations of the hon. Member, he would take care to mention them to the noble Lord at the head of the Department of Woods and Forests, certain as he was that that noble Lord would be always inclined to give every facility to the public in their admission to the parks.

Subject at an end.

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HOUSE OF COMMONS,

Saturday, August 1, 1840.

MINUTES.] Bills. Read a second time:—Administration of Justice (Birmingham); Highway Rates.—Read a third time:—Population.

Petitions presented. By Mr. Muntz, from the Legal Profession at Birmingham, for the removal of the Courts of Law.

POSTAGE.] On the motion of the Chancellor of the Exchequer the House resolved itself into Committee for the further consideration of the report on the Postage Bill.

On Clause 7, relating to the transmission of letters by ships, being read,

Mr. *Thornely* said, it was extremely inconvenient to the merchants that letters were not allowed to be collected to be sent by ship unless they were previously passed through the Post-office, and instanced the case of the President steam-ship, which was about to sail that day from Liverpool to New York.

The *Chancellor of the Exchequer* was quite ready to give every facility to the public, but he could not give up the power of prohibiting the collection of letters, as it had been found extremely detrimental to the revenue when the postage was much higher.

Mr. *Warburton* was satisfied with the explanation of the Chancellor of the Exchequer, understanding that, although he retained the power, he did not intend to interfere with the present system of sending letters by ships.

Mr. *Thornely* was anxious that every letter should pass through the Post-office, but the case he wished to put was, where a vessel was about to sail at twelve o'clock at night, and the Post-office was shut at eight in the evening, it would be a great convenience to the merchants if they were allowed to send their letters in, bound up to the latest hour, and he hoped there would be no objection to that.

The *Chancellor of the Exchequer* thought there would be no objection to that arrangement. So long as the Post-office could do the business he thought no other parties ought to be allowed to collect letters, but he would permit merchants to avail themselves of the latest hour for sending those letters on board.

Clause agreed to.

Clauses to 21 agreed to.

Remaining clauses agreed to.

Mr. *Warburton* could not allow the bill to pass through without returning his thanks to his right hon. Friend for having produced so unexceptionable a measure. He would take that opportunity of alluding to the Post-office returns of the number of letters which he considered most satisfactory. He had never been one of those who had calculated upon a quadruple and quintuple increase of letters, although he felt convinced that in three or four years the amount of revenue received from the Post-office would be quite equal to what it had been before the alteration. From these returns it appeared that the number of letters posted in London amounted previous to the alteration in the postage to 12,000,000 yearly, and that since the alteration it amounted to 23,000,000, so that in London the number of letters had increased nearly in the proportion in which the rates had been reduced; the average charge on each letter according to the old rate was twopence and one-third of a penny per letter; it was now one penny, and some allowance, in addition, ought to be made for the double and treble letters, the number of which he believed to be considerable. The number of letters in the London post had increased in the proportion of twelve to twenty-three, and if the revenue received from it were taken into account, it would appear that the revenue already received from the London post was equal to what it had been under the old rates. The annual amount of general post letters, including ship letters and packet letters, had been estimated by the Post-office committee at 75,000,000. The annual amount at present was 127,000,000; therefore the increase fell little short of what had taken place in the London post; and if they estimated the amount of revenue, taking in charges for double and treble letters, he considered the result to be most satisfactory. From the returns he saw a progressive increase: in February the number of letters were 3,000,000 a week, and on June 22nd, the number amounted to 3,365,000. From that therefore, it would appear that there was a regular progressive increase every week. Nothing could be more satisfactory than the returns, and it was his firm belief that at no very distant period the returns would show as great an income as was derived under the old system of the Post-office. He believed, as to the moral effects of the measure, and also as to the revenue, the public were likely to reap considerable benefit. He had no doubt but that that time twelvemonth he should see the same progressive increase had taken place during the current year. He therefore renewed the thanks he had before returned to her Majesty's Ministers for the benefits they had conferred upon the public by the alterations they had made in the Post-office.

House resumed. Bill to be reported.

ECCLESIASTICAL COURTS—JOHN THOROGOOD.] Lord J. Russell moved that the House resolve itself into a Committee on the Ecclesiastical Courts (No. 1) Bill.

Dr. *Nicholl*, before the House went into Committee felt bound to call its attention to the present situation of the individual who had been the cause of the introduction of the bill. A rate had been made by the vestry—it had been paid by the great mass of the inhabitants of the town in which Mr. Thorogood resided, in which there were a great number of Dissenters; none of whom, he believed, with the exception of Mr. Thorogood, had refused the payment of the rate. There was no question as to the validity of the rate, but Mr. Thorogood chose to refuse payment, and for so doing he was summoned before the magistrates, who had the power to summon any party for the non-payment of church-rates, provided the validity of the rate had not been disputed in any ecclesiastical court. Now, what was the conduct of Mr. Thorogood before the magistrates? He did not set up any conscientious ground or scruple to the payment of the rate, but he appeared before the magistrate with a solemn written protest, drawn out in a legal form, giving the magistrates notice that he intended to dispute the legality of the rate. Such being the case, the magistrates had no further jurisdiction in the matter, Mr. Thorogood having disputed the validity of the rate his goods could not be distrained, and the only remedy was against his person. Mr. Thorogood having instituted proceedings in the Ecclesiastical Court he was summoned there, and when there he did not dispute the rate on the ground of its being invalid. He refused absolutely to appear, and then he was necessarily declared in contempt; the *significavit* was returned to the Court of Chancery, and he was taken into custody. He might have appealed to the Chancellor, or to the Court of Queen's Bench, had there been anything irregular, but he had done neither. He was then confessedly in legal custody. He was brought there, perhaps, by bad advice, or perhaps from conscientious feelings, but he was in difficulty. He had means to pay all costs, but both he and his friends refused to pay the legal fees, and he (Dr. Nicholl) was not prepared to allow him to ride over the law by discharging him without his doing so. It was therefore that he preferred his own bill to that introduced by the noble Lord, and he therefore begged to move, as an amendment to the noble Lord's motion, that the House resolve itself into committee upon the Ecclesiastical Courts (No. 2) Bill.

Lord *John Russell* had no wish to complain of the conduct of the hon. and learned Gentleman for taking his own view of the question. He thought the learned Gentleman had acted perfectly fair in bringing before the House his view of the subject, and stating the grounds on which he preferred his own bill to the present. With regard to the question itself, however, he could not say the argument of the hon. and learned Gentleman had convinced him that the hon. and learned Gentleman's bill was the preferable one in this case. Without going into the state of the law, or the original facts of the case, he wished to state how the question at present stood as respected that House. The House in general had been of opinion, that after John Thorogood had been upwards of eighteen months in confinement, being committed for contempt, it was the better way, not only with regard to humanity, but with a view to the general question, that he should be discharged from prison. It was not an opinion at all involving any question as to the propriety of the conduct of John Thorogood, still less of the view which that individual had taken of church rates, of the law respecting them, or his duty towards that law. Such being the opinion of the House, the question was, in what manner this discharge should be effected. He certainly was of opinion with the Attorney-general, that that discharge might have taken place under the present state of the law with the consent of the prosecutor, without introducing any bill into Parliament. The hon. and learned Gentleman was not in the House at the time he had stated that opinion, which had been concurred in by another hon. Member, but the hon. and learned Gentleman was of a different opinion. The hon. and learned Member for the Tower Hamlets (Dr. Lushington) concurred with the hon. and learned Gentleman, and he therefore apprehended, if they separated without passing a bill on the subject, that when the learned judge came to decide on the question, he would decide that he had not power to act in the manner in which it was supposed by the House he might act under the present circumstances. If they wished that John Thorogood should be discharged, a bill must be introduced for that purpose. Then they came to the manner in which that bill should be framed. The hon. and learned Gentleman proposed a bill which allowed his discharge, but at the same time provided that his goods, and even lands, if necessary, might be taken to find payment of the original debt, and of the costs of the suit; and, in fact, the whole arrangement amounted to this, that if that were not done, Mr. Thorogood might be recommitted under the bill. He would not argue whether the bill were right as a general remedy on the subject, and what he had stated at the commencement of the session did not differ very widely from the view of the hon. and learned Gentleman. But this was raising an important question in which at that period of the session, with the opinions which had been expressed on the subject of church-rates, there was no reason to expect the House would concur. It certainly was his opinion, when he, on a former occasion addressed the House on this subject, that a remedy against the goods might be a sufficient remedy for this question of church-rates; but it was undoubtedly denied that such a remedy would be sufficient, as it was obvious on the face of it that it was a remedy that would not answer the purpose of those who thought they ought not to pay church rates, and would not, more than in the case of the Quakers, relieve such persons further than from being obliged personally to consent to their payment. That state of the law would, he thought, be more simple than the law at present, but that being so much a mattet of dispute, he certainly wished some way should be devised for procuring the discharge of this individual without raising the question on which, in the present state of the session, he was hardly prepared to enter, even were he prepared to go as far as the hon. and learned Gentleman. He thought raising a question of this kind at such a time, and deciding, in fact, on the whole question of church-rates was a more important matter of legislation than they were then in a situation to undertake. With regard to church-rates under 10*l.*, it was proposed by the hon. and learned Gentleman's bill that the person who refused to pay should go before a magistrate, and if he allowed the validity of the rate it should be levied against his goods; but if he appealed against it, he should go before the Ecclesiastical Court, and if they decided against him the rate should be levied, as in the first instance. Therefore, in either case the person rated was liable to pay, and if so, the bill decided the whole question of church-rates. Now, his (Lord John Russell's) bill was of a much more simple nature, and without entering into the technical objections which might be made to it, he thought it the one which it was most advisable, on general grounds the House should adopt. It provided that, after a person who had been committed for contempt had been in prison a considerable time, if it should appear to the judge there were sufficient grounds for his discharge, and the other party should consent to it, he should be discharged at once. The hon. Gentleman said this did not satisfy the justice of the case, and that a person who had originally refused to pay church-rates, if discharged without such payment, should either discharge the rate, or be liable to be again taken up and put in prison. His answer to that was, that in a case of that sort he thought there were not persons who would resist, or, if they did, he thought it would be considered better not to run the process after them so far; for the vindication of the law seemed to him to be oftimes better maintained by taking no further notice of such offenders. This conduct was never followed by Sir Robert Walpole, who, when a member of that House had made an almost treasonable speech, said, "I know that honourable gentleman wishes to be committed to the Tower, but I shall do no such thing." Prosecutions of this kind often made the whole importance of the person thus prosecuted, and, seeing that this matter had lasted long enough, and being, as he was, for the continuance of payments which were necessary for the maintenance of the law, he said in a case of this kind they were much more likely to maintain the law by taking the speediest mode of discharging this individual than continuing to enforce payment. He therefore thought his bill preferable to that of the hon. and learned Gentleman, the remedy proposed in it being the speediest.

The *Attorney General* thought there could be no objection to give the Ecclesiastical Courts the power to discharge a contumacious person from custody, with the consent of the prosecutor. His own objection to the bill was, that it was unnecessary; for he was of opinion that the ecclesiastical courts had the power already, in common with the courts of law, of discharging a person who was in custody for contempt. However, as the hon. and learned Gentleman opposite, and the courts themselves, were of opinion that they had not that power, he was desirous that the bill of his noble Friend should pass. According to the analogies of the law, Thorogood had been long enough in prison to satisfy the debt. If he had been in prison only twelve months for a debt of 20*l.*, the court of law, from which the process had issued, would discharge him on a simple motion in court to that effect. He therefore thought that there could be nothing to apprehend from now discharging John Thorogood, leaving all her Majesty's subjects still liable to the tax which he so much deprecated.

Amendment negatived.

The bill (No. 1) passed through committee, and was ordered to be reported.

Bill No. 2 withdrawn.

HOUSE OF LORDS,

Monday, August 3, 1840.

Minutes.] Bills. Read a first time:—Population; Militia Ballots Suspension; Militia Pay.—Read a second time:—Marriages Act Amendment; Loan Societies; Clergy Reserves (Canada).—Read a third time:—Toll on Lime; County Constabulary.

Petitions presented. By the Bishop of Exeter, from Beverley, Stockton-on-Tees, Durham, Sedgley, Darlington, Newmarket, and Kingston (Upper Canada), and other places, against the Clergy Reserves (Canada) Bill; and from the Ononaga, and other tribes of North American Indians, for the Support and Extension of the Church of England in Upper Canada.—By Lord Colborne, from Inhabitants of St. Giles's-in-the-Fields, against the Metropolis Improvement Bill.—By Lord Lyndhurst, from two Individuals, for Compensation in the event of the Irish Municipal Bill becoming Law; and from certain Inhabitants of St. George's, Hanover-square, against the Parochial Assessment Bill.—By the Marquess of Londonderry, from Members of the General Assembly of the Presbyterian Church of Ireland, and from Aberdeen, against Ecclesiastical Patronage.—By the Marquess of Lansdowne, and Lord Brougham, from Leeds, and another place, against the Encouragement of Idolatry in India.—By the Earl of Devon, from the Incorporated Law Society, to remove the Law Courts from Westminster-hall to Lincoln's-inn-fields.

Courts of Equity.] Lord Brougham moved the second reading of the bill for facilitating the Administration of Justice in the Court of Chancery.

Lord *Langdale:* My Lords, I beg leave to express my approbation of this bill, and my hope that it may pass into a law during the present Session. If this bill had, as was intended, formed part of the bill for facilitating the administration of justice which lately passed this House—and if it had been followed by the bill for the regulation of the Chancery offices, which my noble and learned Friend on the woolsack has promised to introduce in the next Session—it might have been hoped, that the powers which this bill proposes to confer on the judges of the Court of Chancery, would have produced very extensive benefit. I am afraid, that without the increase of judicial power which was intended by the late bill, and without the power to regulate offices held by persons who have vested interests and to give compensation, the good to be effected by this bill will not be very great—but still it will enable the judges to do some useful things which they cannot now effectuate, and that alone is with me a sufficient reason for supporting the bill. But I confess, that my principal reason for wishing the bill to pass now, arises from what is to me the unintelligible withdrawal of the bill for facilitating the administration of justice from the other House of Parliament. The urgent nature of that bill had been acknowledged by all; and the circumstances under which it passed this House, were, (considering the subject), not a little remarkable—there was an entire abandonment not only of all party feelings, but even of all personal feeling and peculiarities of opinion. Every noble Lord who attended to the subject was willing to forget himself and his own peculiar notions—to give up something which he might individually think desirable, or to agree to something which he might individually think rather more than necessary, for the sake of procuring a general concurrence in a most important measure, intended to redress grievances which required the most early attention—and that a bill so passed should have been voluntarily withdrawn, has unavoidably excited not only deep regret, but the greatest surprise. What justification or what excuse is there for a proceeding so extraordinary? No reason deserving the least attention has been assigned. There are those who will naturally suppose that this proceeding must have arisen either from ignorance of the nature and pressure of the grievance intended to be redressed—or from an insensibility to the suffering meant to be relieved—and my principal reason for desiring to pass this bill now, and with this rapidity, is, that it will afford to the country and to the suitors of the Court of Chancery some slight pledge, some earnest however small, that the Legislature is not indifferent to the evils which have been proved to exist in the Court of Chancery.

Bill read a second time.

Lord Brougham moved that the standing orders be suspended.

Bill read a third time.

On the question that it do pass,

Lord *Lyndhurst* said, he should very much like to know what the noble Viscount's intentions were with respect to this subject.

Viscount *Melbourne* lamented as deeply as any noble Lord, that the bill which had been sent down to the Commons was not passed in the present Session. He fully admitted the urgency of the case, and that it was desirable to provide a remedy for the evils which that bill was intended to meet. The simple reason why the measure was not proceeded with this Session was, because it would undoubtedly have led to a greater extent of discussion than was convenient, or, in fact, than they would have been able to get through at this late period of the Session. Unquestionably, there did prevail great difference of opinion on the question, which would have been debated with all the ability, and would have excited all the interest, that such a subject was naturally calculated to call forth. The magnitude of the bill, the certainty that it would give rise to much discussion, and the inconvenience which at this period of the Session would arise from taking such a course, were the only reasons that prevented the bill from being proceeded with.

Lord *Lyndhurst* expressed his belief, that if the noble Viscount had pressed the measure, no opposition whatever would have been offered to it. The rumour was, that the bill had been stopped by the law officers of the Crown, and some claims that had been made on Ministers. He knew from personal communication, that there was no intention on the part of any one to oppose the bill.

Lord *Brougham* said, there seemed to be a misunderstanding with respect to what had taken place on this subject. The bill which had gone down from their Lordships' House was not withdrawn. It was proposed, that it should be read a second time on the 31st of August. If, therefore, Parliament was prorogued before that day, it could not be read a second time. That being the case, their Lordships might now send down this, the second bill. If a disposition existed to agree to a measure for the better administration of justice (and where there was a will there was a way)—if both sides were anxious to take that course, what was to prevent the other House from ingrafting on the present bill the provisions of the original bill, which now stood for a second reading on the 31st of August? Thus that which was said to be the object of all parties, might, if they were sincere, be easily effected. His noble Friend at the head of the Government said, the rumours to which his noble and learned Friend referred were utterly without foundation ["*No, no,*" from Lord Lyndhurst]; well, then, that his noble Friend thought them without foundation. Now, it was easy to put these statements to the test, for if the Government were still desirous that the provisions of the measure should become law during the present Session, it would be easy for his noble Friend the Secretary for the Colonies to ingraft upon the present bill, when it reached the other House, the most important parts of the measure, the second reading of which had been postponed, and if those who sat on the Opposition side of the House were anxious, according to the representation of his noble and learned Friend, for the success of the measure, they might agree to such a course being taken, and in this way the difficulty would be got rid of.

Bill passed. .

DISTURBANCES IN LIMERICK—PALLASKENRY AFFAIR.] The Earl of *Charleville* said, that in rising to bring forward the motion of which he had given notice, he must throw himself on the lenient indulgence of their Lordships. Nothing could have induced him to bring forward the subject if he had believed the case to which he was about to refer was one merely of individual wrong, or was confined to that particular locality of Ireland to which he should presently allude. He believed, on the contrary, that the case had a general effect on the peace, security, and tranquillity of a great part of that country, if not the whole of it; and he should not have been satisfied of having discharged his duty, if he had shrunk from the performance of it, by not calling the attention of their Lordships to this subject. On more than one occasion during this Session of Parliament he had felt it to be his duty to call the attention of their Lordships to the disturbed state of the county of Limerick; and, to prevent any misunderstanding on the part of any noble Lord, he wished now to define the limits of the district which was so disturbed. It was from the Hill of Kilbreedy, which was the centre of the barony of Kenry, to an extent of about six or seven Irish miles around it. The disturbances which took place in that district had been increasing for the last eighteen months, until they had reached a most unparalleled extent. In 1838 in that particular district there were four attacks on houses for the purpose of robbery of arms. In 1839, to the month of September, there were fifteen attacks on houses for the same purpose. From September last year to the 1st of April in the present year, there were twenty-two similar attacks on houses; and from the 1st of April last up to the present time there had been twenty-five other cases of the same kind reported to him. But that was one species of crime only, independent of all others—such as shooting with intent to kill; threatening to do bodily harm; shooting at horses; cropping of horses; and the serving of Rockite notices, all of which were to be added to the catalogue of crimes in that disturbed district. Under these circumstances it became necessary to call a meeting of magistrates of the county, and they assembled to the number of twenty-six in the city of Limerick. That meeting was not of a sectarian or party character. Gentlemen of all political opinions were there —holding the commission of the peace. They had all admitted the disturbed state of the county, and had all subscribed their money to obtain secret information of the perpetrators of those crimes. The most frightful circumstance connected with those crimes was, that the greatest part of them had been perpetrated without the possibility of detecting and bringing the offenders to justice. The chair at that meeting was occupied by the hon. Mr. Massey, a gentleman of Conservative opinions. Sir D. Roche, a Member of the other House of Parliament, and holding what he might be allowed in the terms of the day to call very liberal opinions, moved one of the resolutions; and that resolution was seconded by the O'Grady, a supporter of her Majesty's present Government. Since that time a number of persons had subscribed their money, amongst whom was one of the Members for the county, Colonel Fitzgibbon, and a noble Earl connected with the Government, whom he did not then see in his place—he alluded to the noble Earl who was Master of the Horse to her Majesty. He trusted he had said enough to show that there was nothing like a party feeling in that assemblage of magistrates; that it was not the design of any one party, nor on the motion of any influential individual, that they met together to take into consideration the state of that part of the country, and the lawless insurrectionary disturbances that had taken place. Unfortunately, that state of this particular district continued, and notwithstanding the meeting to which he had referred, and the sums of money that were subscribed on that occasion, the effect was not such as those Gentlemen had been led to hope and expect. They therefore found it necessary to summon a second meeting of the local magistracy on the 15th of May at the town of Pallaskenry. Lord Clarina was in the chair, and a great number of the local gentry attended. There were also present on that occasion three officers connected with the Government—Mr. Redmond, who held the situation of a stipendiary magistrate; Mr. Blake, a sub-inspector of the county; and Mr. Jackson, the chief constable of that district. One of the magistrates who was at that meeting, Mr. Langford, made a statement as to the state of crime, insecurity of life and property, in the particular district to which he had alluded. Was that statement disproved? Were those facts contravened or attempted to be denied by any gentleman connected with the police force or the Government? No such thing. Mr. Redmond admitted the state of crime, deplored it, and entertained hopes of restoring peace and tranquillity. Those hopes had been frustrated. The Government poured in additional police. The stations were doubled or trebled, and, as he was informed, almost every house and every field in the neighbourhood were patrolled. But that Gentleman plainly admitted the existence of those outrages; he admitted, that the night before the meeting of the magistrates he had captured several men, and he gave the names of the police constables who assisted him in making that capture. His advice to the unpaid magistrates and to the gentlemen of Limerick was, that they should pay the police. "Let the police," he says, "be rewarded, and then the gentlemen of the county might urge them to do their duty—they would then have a claim upon them." Was that suitable advice to be given by a man sent down by the Government to observe and control the proceedings of the local justices? Mr. Jackson had been called to account for his conduct; which was a direct and manifest disobedience of the police regulations: he was bound to inform the nearest magistrate of any facts coming to his knowledge which might in any manner endanger the peace of the country. Instead, however, of paying attention to those rules, he was in the habit of passing over all the magistrates in his neighbourhood, and sending to Mr. Redmond, at a distance of nine miles. What reason did he assign for such conduct at the meeting at Pallaskenry? Neither more nor less than this—that when he resided in the county of Kerry, he had been received upon the footing of a gentleman, but from the time of his coming into the county of Limerick he experienced none of the hospitality to which he had previously been accustomed. None of the gentlemen in that county waited upon him or invited him to their houses, and he had, as he said, too much spirit to force himself into their society. Thus did this gentleman account for neglecting his duty, on the ground that he did not receive as many invitations to dinner as he thought he had a right to expect. Now, he would ask their Lordships, was it upon the representations or the reports of such a person that the character of a gentleman like Mr. Langford was to be assailed? He trusted it would appear that the noble Marquess had no charges to make against Mr. Langford, except such as were founded upon the reports of Mr. Jackson, and that the Government would acknowledge that such reports were not to be relied upon. It would now become necessary for him to trouble the House by calling their attention to a very short letter, bearing date the 29th of April, 1840; from Mr. W. T. Hamilton to Mr. J. E. Langford, and was in these terms:—

> "It appears by a report from Sub-Inspector Jackson, that by your directions a search for arms was made under your warrant, and a gun and a shot-pouch taken from the rear of Michael Madigan's house. In reference to this search, I am instructed by the Crown counsel to inform you that the warrant now in your possession will not justify your searching for arms at so long an interval from its date."

Before he proceeded, he must say, that there were other papers connected with the subject for which he had called also, but which had not been laid upon the table of the House. The noble Marquess said, that there were no such papers as those for which he had moved; to that he should reply, that they were produced at the meeting at Pallaskenry by the stipendiary magistrate after a discussion of two hours and a half. The letter went on in these words:—

> "But if you think it necessary that a new warrant should be issued, the proper course will be to transmit the usual application, according to the provisions of the Arms Act, 50 of George 3rd, c. 109, s. 2. With regard to the documents found on searching Michael Wheelan's house, I am to request that you will state whether you have taken any, and what, proceedings against him."

By the second section of the 50th of George 3rd, cap. 109, it was enacted, that two justices, on having good grounds for suspecting that arms were unlawfully in the possession of any person or persons, might report thereon to the Lord-lieutenant, and that the Government might then use their own discretion. He admitted that Mr. Langford had not acted under this statute: the warrant in question had been issued in the course of the preceding year. Whether the practice in Ireland might be right or might be wrong, he should not then stop to discuss, but there was no sort of uncertainty as to the existence of the practice in that part of the United Kingdom with regard to warrants of this description. When they were once granted, they were allowed to continue in force for an unlimited period, and there was certainly nothing in the Act of Parliament to define the limit, or in any manner to specify the time during which those warrants were to remain in force. The uniform practice was for the magistrates to act upon those warrants so long as the districts in which they resided continued disturbed. Unless it appeared that the conduct of a magistrate was influenced by some improper motive, he must say that it would be meeting out a severe measure of justice to address him in terms of such reprehension as those which had been used towards Mr. Langford in the letter written to him by the Irish Government. In his opinion, it was a letter which, considering the state of the country, and the circumstances under which it had been written, must be looked upon as altogether indefensible. The fact was, that Mr. Langford required no warrant whatever; the state of the country was such as fully to justify him in the course which he had taken. Looking at the disturbances which prevailed, and receiving information which appeared to afford grounds for suspicion, he was fully warranted in making the search which he had instituted. It would really appear that he had only been guilty of that which, after all, was a mere technical mistake; for by the third section of the Act, he might have acted upon his own authority without the co-operation of any other magistrate. Let the House only reflect upon the number of crimes committed in that part of the country, and he was sure they would agree with him, that instead of reprehension, Mr. Langford deserved the thanks of the Government, as he had received those of his brother magistrates. Mr. Langford thought himself justified in the use of the warrant for a certain length of time, and at the most he was guilty of that which was merely an error of judgment. He might defy any one to show that he had been influenced by any motives save those which sprung from a wish to preserve the peace and tranquillity of the country. Mr. Langford had been asked, why he had not proceeded against the elder Wheelan? Two of Wheelan's sons had been sent to prison, a third had absconded, but the father bore an excellent character, and Mr. Langford saw no grounds for proceeding against him. Some papers were found at the house of the Wheelans which appeared to justify the idea that the regulations of the Riband societies demanded from the persons admitted to them evidence of sober habits, whereupon the Temperance Society of Limerick addressed the Lord-lieutenant, disclaiming any connexion between ribandism and temperance societies imploring an investigation into the alleged document purporting to be found in the house of John Wheelan, which they were convinced was fabricated, and previously placed in concealment, by some vile incendiary. The Irish Government, then, addressed a letter to Mr. Langford, directing him to institute an investigation, but Mr. Langford declined; and he thought had exercised a sound discretion. By the 2nd and 3rd of the Queen, cap. 74, it must be proved that papers relating to Ribandism were in the possession of a man with full and guilty knowledge on his part, before he could be made the subject of a prosecution. In order that their Lordships should more clearly understand this part of the case, he should call their attention to a letter, dated the 26th of May, 1840, from Mr. Redmond to Mr. Hamilton, which was as follows:—

"In reference to your letter of the 20th inst., informing me that it was his Excellency's desire that I should attend the inquiry directed to take place at Pallaskenry, relative to the documents found in the house of John Wheelan, of Kildimo, I think it my duty to acquaint you, for his Excellency's information, that considerable excitement and expectation prevail in consequence of the approaching inquiry, and the charges and assertions of Mr. Langford, at the meeting of some magistrates, &c., at Pallaskenry, on the 14th inst.; and to suggest to his Excellency's consideration whether it would not be advisable to extend the inquiry to the finding of the blunderbuss, &c., by Mr. Langford on the night previous to the meeting above referred to. I have been informed that the Temperance Society intend having the aid of the legal profession at the inquiry, and I would apprehend the introduction of irrelevant discussion and examination to probe Mr.

Langford's motives, &c., and I would, therefore, wish to have the Attorney-general's directions as to the extent of the direct and cross examinations which should be permitted, if the bench should hear evidence on the part of Wheelan, or merely take the informations, suffering the witnesses for the prosecution to be cross-examined; if his Excellency should wish the evidence to be taken down, and should he approve of having it extended as I have suggested, is Mr. Langford to be examined on oath, and required to state his informant's name privately under the sanction of his oath, and if he may be cross-examined? Considering the circumstances I have stated, and the political character endeavoured to be fixed upon the late outrages, it might be worthy of the consideration of his Excellency whether it would not be advisable to send down counsel to preside over the inquiry."

What that gentleman meant by the "political character endeavoured to be fixed on the late outrages," he knew not; but he hoped he had proved to their Lordships' satisfaction that there was nothing political in the first transaction, nor in the second meeting, nor in the subsequent investigation. It was not enough, however, to have it insinuated that the papers and the blunderbuss had been improperly seized: Mr. Redmond wrote to the Lord-lieutenant asking if his Excellency wished the evidence to be taken down, and whether he desired to have the inquiry extended, so as to call upon Mr. Langford to state who his informant was, and further whether Mr. Langford was to be cross-examined. Why, what was the object of that? To make Mr. Langford give up the name of his secret informant. What was the consequence? That Mr. Langford would be unable to do his duty as a magistrate in the detection and punishment of offenders against the laws and the peace of the country, because, as a necessary consequence, the source whence he derived his information must be destroyed. The attempt of the Temperance Society to free itself from identification with the papers found in Wheelan's house was a most miserable failure. Wheelan himself did not deny, that they were found in his House; nor was any witness worthy of credit brought forward to prove that they were fabricated. There was no evidence to prove that the papers found at Wheelan's house were placed there without his authority, and at a meeting of magistrates a resolution to that effect was adopted. Mr. Redmond had stated that the decision of the magistrates was a matter of great indifference to him, and he had made use of an observation which was exceedingly unpleasant to all the local justices—namely, "that he was intrusted with the preservation of the peace of the county." Intrusted by whom? Had these magistrates been superseded in their commission? Were they considered by the Government to be unworthy to hold office as magistrates any longer? Mr. Redmond afterwards wrote to the Government, stating that he felt convinced that there was no Riband combination in the county, and that the evidence which had been gathered went clearly to show that the disturbances were agrarian, and not political. But he remembered that in 1838 the noble Marquess himself said there was no political conspiracy going on in Ireland. He was much mistaken however, if the noble Marquess would persist in that declaration now, especially after hearing the facts which he had stated to the House. The proceedings already taken seemed to have produced some effect, for he found that on the 20th of June last a letter was written by Mr. Macdonald, the Under Secretary for Ireland, which commenced in the following manner:—

"Upon an attentive consideration of the evidence taken on the late inquiry at Pallaskenry, and of the several documents connected with it, and with other recent transactions in that district, the Lord-lieutenant regrets to observe that a magistrate, to whom the thanks of a public meeting were voted on the 15th of May, appears to have exercised arbitrary powers not warranted by law, and subversive of the just rights of the subject. First, by making a search for arms in April, 1840 under the authority of a warrant granted in March, 1839, contrary to the intention of the statute under which those warrants are granted, and to the whole spirit of British legislation respecting general warrants. If in your opinion such powers were called for on the late occasion, you ought to have asked for them afresh in the usual manner, stating your reasons for considering them necessary.

That was contrary to the spirit of the first letter, dated the 29th of April, for by that letter it was held out to him, that if he had applied for a fresh warrant, it would have been granted to him. What was the object of that proceeding? It was to lead him on to make another application, in order to enable the Government to heap fresh insult upon this Gentleman, and to visit him with increased marks of its displeasure. He did apply for the warrant, and he stated the necessity for such a warrant being issued. What was the reply he received from the Irish Government? A reply more hurtful to his feelings because sent through a third party—another magistrate. In that reply the Government admitted the disturbed state of the county, but would consent that the warrant should be given to any magistrate of the whole county except Mr. Langford. Any other single magistrate might execute the warrant, but he, on account of his conduct in bringing Madigan and Wheelan to justice, in detecting them in a crime for which they were sentenced to death—a sentence which was afterwards commuted to transportation for life. But that gentleman enjoyed the full confidence of all the loyal and well-disposed inhabitants of the county for his vigilance in detecting offenders, for his courage and determination in prosecuting and punishing the disaffected, and for his zeal in endeavouring, by all means in his power, to restore peace to that distracted district. But when it was known that the name of Mr. Langford was to be excluded from that warrant, Mr. Maunsell, of Torpo, wrote back to the Government, saying that the person who was in possession of the secret information which had led to the discovery of the arms, and the individuals who had secret possession of them, was Mr. Langford, and he therefore could not undertake the responsibility of executing the warrant, because he had only allowed his name to be appended to it on account of his great confidence in Mr. Langford, as the person who was really competent to bring the offenders to justice. Mr. Maunsell, therefore, begged to withdraw, as he had no power to be of service. The Government then stood still a whole fortnight, and had Mr. Langford done the same, the offenders never would have been brought to justice. That very day week a gun was found, and taken from the very spot where Mr. Langford, from information he had received, expected to find it. The noble Marquess had on a former occasion alluded to the murder of Mr. Dawson, and had said that no person was now threatened with the fate of that unfortunate gentleman. But still the noble Marquess would not assist those who, by their precautionary measures, would prevent such crimes, or by vigilant inquiry would detect and bring to punishment those who were guilty of them. The Government determined upon confining the proceedings of the magistrates strictly within the letter of the law. What was the consequence? Although a magistrate (Mr. Wallace, of Tullamore) had acted in strict accordance with the Act of Parliament, and the usual practice in sending an information respecting the unlawful possession of fire-arms by certain parties in the King's County, and had made known to the Government authorities the desperate character of the people, the reply which was sent back was dated as follows:—

> "Dublin Castle, Jan. 20, 1840.
>
> "Sir, I have to acknowledge the receipt of your letter of the 13th inst. enclosing an information with regard to concealed arms, which I have laid before the Crown counsel, who inquires if the persons named in the Information have registered the arms alluded to? If not, that fact should be stated in the Information. The Information should also state some ground for his belief as to the arms being in possession of the parties named; and the Crown council would not advise that an Information, not containing such statements should be acted on. I have the honor, &c.
>
> "T. Drummond."

Considering the great difficulty, and almost entire impossibility, of obtaining evidence to convict persons upon their trial for offences of which there was no moral doubt that they were guilty, it was too much to expect, that crime would be diminished if the means of detecting it were thus to be circumscribed. It was sworn before the Committee of Inquiry into the state of Ireland last year, by a nobleman who filled the office of a local magistrate,

> "That he never took an Information without fearing that the man who gave the information was likely to suffer before the person against whom the information was given."

If the magistrates in question had acted imprudently, or had fallen into an error of judgment, that was all that could be alleged against him. But he had not been guilty of any partial or oppressive conduct. Look at the conduct of Mr. Barnes at Longford. He was not going to attack the character of that magistrate. Mr. Barnes, whose case was well known to the noble Marquess, took every means to conceal the source whence he got his information. That Gentleman took a fearful responsibility upon himself, and he did not, neither did the Government, blame him. On the contrary, the noble Marquess felt himself obliged to support him in the discharge of his duty. Well, then, was he (the Earl of Charleville) asking too much when he said, do not condemn the conduct of Mr. Langford, or treat him with unnecessary violence, or deprive him of the power of protecting the unfortunate people of that disturbed county, his crime being only that of searching the House of a criminal person for arms, and finding arms concealed there? Mr. Barnes kept a suspected person in gaol eight months for re-examination; but in this case, the persons suspected were immediately proved to be guilty, were tried and convicted before a proper tribunal, and sentenced to death, a sentence which was afterwards reduced to transportation for life. He did not intend to censure the conduct of Mr. Barnes; but when it was admitted and allowed that such conduct should be pursued, although it was contrary to the spirit and letter of the law, was it, he repeated, too much to say that the conduct of Mr. Langford was entitled to still greater licence and protection? Not only had Mr. Langford succeeded in searching out offenders, but in bringing them to trial and conviction; and he thought the objection as to the expiration of the first warrant scarcely tenable, for in point of fact it could have had no legal expiration while it remained unexecuted. He thought he did not ask too much in asking that some reparation should be made to that gentleman, but for the sake of the peace and safety of all the inhabitants of that disturbed and distracted country. Among other papers for which he had to move was the correspondence which took place between the Irish government and Sir Aubrey de Vere, the chairman of the justices who conducted the investigation at Pallaskenry. He could not admit that a magistrate sitting as chairman of a bench of justices was at liberty to make any report on the conduct of one of the gentlemen over whom he presided, without acquainting him with it, and if any charges were made against Mr. Langford by his brother magistrates—most worthy gentlemen, he admitted—it was but fair and just that Mr. Langford should see them. Mr. Langford had written to him (the Earl of Charleville), and stated to him that he had good reason to believe, from a conversation which he had held with Sir Aubrey de Vere, that such a report had been transmitted to the Lord-lieutenant, but that Sir Aubrey de Vere had refused to state the contents of his communication, urging that the letter was private, and that Mr. Langford had no right to ask the question. He must repeat, therefore, that Mr. Langford had a right to know what was the report which had been made by the chairman of the magistrates, and he should conclude by moving their Lordships for the returns to which he had already referred, and which he hoped their Lordships would enable him to obtain. The noble Lord concluded by a variety of papers connected with the investigation at Pallaskenry.

The Marquess of *Normanby* had listened with the greatest attention to the noble Earl's speech for the last hour and three quarters, but he sincerely assured their Lordships that he could not, with all the attention which he could command, find that the speech of the noble Earl pointed to any one single object. He had expected that some grave charge would have been brought against his noble Friend at the head of the government of Ireland, or that the noble Earl would have shown that some imperious necessity existed under the circumstances of the time for the prompt interposition of Parliament, and he certainly did not look for the noble Earl's taking up the time of their Lordships with trivial business, and with details of squabbles between Mr. Jackson, a sub-inspector of constabulary, and other persons, as to whether he was or was not invited to dinner. He must say that these were not things which they ever heard of in England, nor was the time of their Lordships ever engaged in listening to accounts of petty squabbles in petty sessions. Six weeks ago, the noble Earl might have called the attention of their Lordships to the disturbed state of that part of the country, supposing him to have satisfied himself that the Government was not inclined to take proper steps to vindicate the law. But the assizes had since been held; the Government had taken proper steps to assert the supremacy of the law, and out of this district no fewer than eleven persons had been brought to justice by the activity of the police, and the energy of the Government, and had been sentenced to transportation. [The Earl of *Charleville:* Owing to Mr. Langford.] He did not deny that Mr. Langford had shown activity, but Mr. Langford was not the only person who was qualified to execute the law, and in point of fact many of those who were brought to justice were apprehended and condemned without the interposition of Mr. Langford. Mr. Jackson had been spoken of by the noble Earl in very harsh terms, and he must say, that he regretted, knowing as he did the effect which it would have in Ireland, that the noble Earl should have thought himself warranted in applying the language which he had used when speaking of an officer acting in the discharge of his duty. The noble Earl, on a former occasion, stated that the constabulary did not do their duty, because, he said, their best chance of promotion lay rather in abstaining from doing their duty. Now, he would ask their Lordships, what good which could result from bringing this subject forward could countervail the mischief of such declarations as these? Was it fair, was it just, in the noble Earl, to cast aspersions of this character upon gentlemen who had served their country as military officers, and who had since faithfully and efficiently discharged their duty in the constabulary under the command of his excellent friend, Colonel M'Gregor? The noble Earl called Mr. Jackson a spy. Was that proper language to be applied to a gentleman whom Lord Clarina described as an excellent and efficient officer? He was very sorry that the noble Earl had not upon this second occasion abstained from language like this. As to Mr. Langford: the first part of the charge against him was his searching for arms without a warrant. The noble Earl admitted that this act was illegal. [The Earl of *Charleville:* No.] If such were the noble Earl's opinion, he hoped that his noble friend the Lord-lieutenant would keep an eye upon him, and not permit him to search for arms without a warrant. As far as Mr. Langford was concerned, the case was this:—The warrant was given to him under a different state of things by the lords justices, in March, 1839, before his noble friend assumed the government of Ireland. The lords justices told Mr. Langford that he must have a new warrant, but Mr. Langford neglected to apply for one, and acted without it. On this conduct his noble Friend observed—

> "The Lord-lieutenant considers that the exercise of magisterial authority without due regard for the letter of the law and the spirit of the constitution is not calculated to promote the ends of justice or the permanent preservation of order and peace."

And it was because he desired the permanent preservation of order and peace, and the establishment among the people of the country of a feeling of security in the equal administration of justice, that he agreed with his noble friend the Lord-lieutenant in considering that Mr. Langford had acted most improperly. The case was not altered by the character of the parties whose houses were searched; for, supposing them to be as bad as they could be, Mr. Langford's conduct was equally improper. Then again there was the case of Michael Wheelan and the Riband Society. He was sure that the noble Earl must have felt it his duty to bring this subject forward, because Mr. Langford appeared to have acknowledged that he sent a copy of the document found at Michael Wheelan's house to the *Limerick Standard*, and, although the noble Earl was pleased to say, that the Temperance Society had completely broken down in their case, he had read the papers on the subject, and must say, that any charge of a connexion between them and the Riband Society was completely disproved. As to the resolution agreed to by a majority of the magistrates, who were nearly equally divided, the casting vote was given by Mr. Langford himself. The original motion was—

> "That no evidence has appeared before us to induce us to form an opinion that the warrant found in Wheelan's house was a fabrication."

While the amendment was—

> "That no evidence has appeared upon this investigation to inculpate Michael Wheelan, the person summoned, or to satisfy our minds that the document found in his house was fabricated or not; and that no evidence has been adduced to prove that any connexion whatever exists between the Riband and Temperance Societies."

It appeared to him that there was very little difference between the original motion and the amendment. As to the document, when Mr. Langford was asked whether he considered it of any consequence or not, he stated distinctly that he considered it of no consequence, evidently showing that he thought there was no deep design it. The noble Earl stated that some papers had been withheld. He could only say, that although he did not attach much importance to them, he had, he believed, put all the papers on the subject into the noble Earl's hands. He should object, however, to give the noble Earl the opinions of the Law Officers of the Crown, as that was contrary to custom. As to any other documents, although he was perfectly unconscious of the existence of any other, if the noble Earl chose to move for them, he might have them if they could be produced. As to Mr. Langford, he had exceeded his authority as a magistrate by giving a written order, not a regular warrant, to arrest a person. He had also acted upon an old warrant in searching a house for arms without applying for a renewal of authority. One word as to the existing state of the Pallaskenry district. If the noble Earl would enquire, he would find from all persons, that the Pallaskenry district was not worse this year than it was in 1837, or in years of scarcity. Between the time of the old and the new crop there was unfortunately a want of employment, and, with starvation before the inhabitants, the district was often in a disturbed state. Let him not be understood as palliating the conduct of those who disturbed the public peace, but only as stating the ground of it, and he must say, that the Government had done all in their power to vindicate the law, and to bring offenders to justice. The amount of serious offences, such as homicides, attacking houses, posting threatening notices, &c., was in 1839 just thirty-two, while in this year, up to May 29, the amount was only thirty-one, so that, in fact, there was a diminution of one serious outrage. With regard to the county of Limerick, the number of serious offences committed in the first six months of the year 1840 was 110, while in the first six months of 1839 it was 118. The number of homicides in 1837 was eighty-six; in 1838, seventy-one; in 1839, seventy-one; and in 1840, thirty-eight; showing a very considerable reduction. He was happy to state also that the south-western part of Ireland was marked with a very considerable improvement in the state of the country. The noble Earl had introduced in his speech an attack on the Temperance Societies; but he must, with his noble Friend, the Lord-lieutenant of Ireland, bear his testimony to the service which those societies had rendered, to the great change which they had wrought in the moral habits of the people, and to the great improvement in the social condition of the country which had been effected through their instrumentality. He trusted this moral reformation would yet prove one of the greatest bars to Irish crime. With respect to one branch of the noble Earl's motion, there were no documents which came under the head of correspondence between the Irish Government and Sir Aubrey de Vere, chairman of the quarter sessions assembling at Pallaskenry. He would state to the noble Earl, that the Lord-lieutenant of Ireland was a private friend of Sir A. de Vere, and might have written a private letter to him, but in the offices at Dublin there were no communications between the Irish Government and Sir A. de Vere which could be given. If the noble Earl persisted in this part of the motion, he should certainly not oppose it, but the return would be *nil*.

The Earl of *Glengall* could not quite agree with the noble Marquess in considering, that he had any great reason to congratulate himself or the House on the result of the assizes lately held in the county of Limerick, because eleven persons had been brought to justice for Whiteboy offences. Pallaskenry and two other districts had been extremely disturbed, and a vast variety of outrages had been committed within them. He himself had, at a former period of the Session, read a frightful list of them to their Lordships, and the noble Earl who opened this debate had also read a tremendous list of them. Among them were twenty-five cases of attacks on houses, made to procure arms. With respect to a point urged by the noble Marquess in palliation of those offences—namely, that the people were starving—he admitted that great distress and scarcity of provisions existed, but what that had to do with breaking open houses for arms he was utterly at a loss to know. Breaking open the houses for that purpose had nothing whatever to do with starvation; it was for the purpose of plunder and intimidation, and to become possessed of arms which could be used for unlawful ends. He was very glad indeed that the noble Earl had brought forward this motion, and he thought the magistracy of Ireland would be extremely obliged to him for taking up the case of a gentleman who, to say the least of it, had been most harshly, he might say, most unjustly and cruelly, treated. What was the conduct for which Mr. Langford, the gentleman to whom he alluded, had been censured? Because he had searched the house of a person for arms, on the authority of a warrant a year old. He was very glad this question of the use of warrants had been brought forward, because all the magistrates of Tipperary and the counties equally disturbed had acted for a great number of years on those very warrants. He could say, that for a great many years, he might safely say, eight years, he had acted on the same warrant. All other magistrates did the same; they acted on a warrant until it was recalled by the Government. Could the noble Marquess point out a clause in the Act of Parliament laying down clear directions whether the magistrate was to continue to use the warrant or not? There was not a single word about the matter. Several years ago a vast bundle of those warrants was brought down to that part of the country where he lived. Heaps of them were brought to him, and he had distributed them among the magistrates who wished to search for arms. Not one magistrate, in the present state of the law, would suspect a warrant to be out of date till it was recalled. If, therefore, Mr. Langford had been in error in this instance, other magistrates had fallen into far more serious errors in doing what they conceived to be their duty. What bounds, he would ask, were set to the duration of the warrant? Was it to hold good for six months, or a year, or a longer period? Why had not the Attorney-general told the magistrates that they were in the wrong? If an action were brought against a magistrate for acting under such a warrant, he believed that, as the act did not define the course to be taken, the law would stand by him. He must say, that he thought the last letter written to Mr. Langford, in reply to a very honest, straightforward, gentleman-like, statement, was the most outrageous ever written from one gentleman to another. If searching a house by night were to be made a crime, not a criminal in Ireland would be apprehended. How was a man to be taken in Ireland during the day? As soon as a policeman was seen, the cry of "Mad dog" was raised, and every villain and criminal in the country immediately took to his heels and hid himself. He hoped that the functionaries connected with the Government of Ireland would in future convey their sentiments in less strong language on occasions which so little required it as the conduct of Mr. Langford. The noble Marquess had referred to the great diminution of crime which had lately taken place in Ireland, and he hoped most sincerely that there was good ground for the noble Lord's congratulations on this head; but he would ask their Lordships' attention to certain papers on the table, which gave information on a far more important subject—he meant the punishment of crime in Ireland. From one of the returns it appeared that the number of rewards offered by the Lord-lieutenant for the discovery of offenders from the 1st of Jan. 1836, to the 1st of April, 1840, had been 814, of which only 37 had been claimed and paid. How such a state of things could prevail in a country having any pretensions to be called civilized he could not understand. The intimidation exercised over the minds of the humbler classes, who were almost invariably witnesses in cases of crime, was such that it was morally impracticable to bring criminals to justice. He wished sincerely that the noble Viscount at the head of the Government would take this subject into his consideration. If the noble Viscount would make inquiry of the learned judge who presided at the last Tipperary assizes respecting the cases brought before him for trial, he would find that the charge of the judge and the testimony of the witnesses were alike disregarded by the juries. Men placed on the juries were positively afraid to convict lest their houses might be burnt, or their cattle killed. He attributed a great part of this evil to a custom which had lately become general, of summoning juries from the immediate neighbourhood of the assize towns, so that criminals were tried by persons who were their neighbours.

The motion agreed to.

ECCLESIASTICAL DUTIES AND REVENUES.] The Archbishop of Canterbury moved that the Ecclesiastical Duties and Revenues Bill be referred to a Select Committee.

The Bishop of *Winchester* concurred with the most rev. Prelate that this would be the most convenient course to adopt for the better consideration of the details of the bill. It was certainly not the intention of himself, or his right rev. Friends, to interpose any unnecessary delay in the passing of the bill, but he wished it to be distinctly understood that he should not consider himself precluded from proposing any amendments that might occur to him on the bringing up of the report, or on the third reading.

Motion agreed to.

* * *

HOUSE OF COMMONS,

Monday, August 3, 1840.

MINUTES.] Bills. Read a first time:—Court of Chancery; Imprisonment for Debt; Bills of Exchange.—Read a third time:—Militia Ballots Suspension; Militia Pay; Church Building.

CHURCH DISCIPLINE.] Dr. Nicholl moved the Order of the Day for the further consideration of the report of the Church Discipline Bill.

Mr. *Warburton* expressed a hope that the hon. and learned Gentleman would give up the bill for the present Session, for it was now too late for parties interested to make known their objections to it.

Dr. *Nicholl* said, that that objection had been made on a former evening, and had been disposed of on a division by a majority of about two to one. He hoped, therefore, the hon. Member would not press it.

House in Committee.

On Clause 5 Mr. Warburton proposed that a copy of the depositions and opinion should be transmitted to the party complained of.

Dr. *Nicholl* had no objection when the case came to a hearing to give the party accused a copy of the depositions on the usual terms.

The *Attorney General* recommended his learned Friend to adopt the amendment. In all proceedings, although there might be an acquittal, the party accused had a right to a copy of the depositions.

Dr. *Nicholl* said, such was not the case before the grand jury.

The *Attorney General* did not think that a parallel case. No object could be gained by refusing a copy of the depositions. The party might attend by himself or his agent, cross-examine the witnesses, and take down an account of everything sworn against him. The amendment would give an authentic instead of a garbled account. He hoped the bill would pass. It was paying a small price for a very great boon. He trusted also that before next Session the 340 courts would be consolidated, their jurisdiction curtailed, and rendered more suitable to the present temper of the times.

The Committee divided on the question that the clause as originally framed stand part of the bill:—Ayes 20; Noes 43:—Majority 23.

List of the AYES.

Acland, T. D.
Archdall, M.
Ashley, Lord
Boldero, H. G.
Broadley, H.
East, J. B.
Estcourt, T.
Fremantle, Sir T.
Hamilton, Lord C.
Heathcote, G. J.
Herbert, hon. S.
Irton, S.
Neeld, J.
Norreys, Lord
Perceval, Colonel
Pusey, P.
Richards, R.
Sandon, Viscount
Somerset, Lord G.
Teignmouth, Lord

TELLERS.

Kemble, H.
Nicholl, J.

List of the NOES.

Baines, E.
Baring, rt. hn. F. T.
Barnard, E. G.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Bryan, G.
Callaghan, D.
Campbell, Sir J.
Courtenay, P.
Divett, E.
Euston, Earl of
Evans, Sir De L.
Fitzroy, Lord C.
Gordon, R.
Grattan, J.
Harcourt, G. G.
Hawes, B.
Hector, C. J.
Hobhouse, T. B.
Hoskins, K.
Hume, J.
Hutton, R.
Lushington, C.
Lushington, rt. hn. S.
Morpeth, Viscount
Morris, D.
Muntz, G. F.
Muskett, G. A.
Paget, F.
Palmerston, Viscount
Pattison, J.
Protheroe, E.
Roche, W.
Russell, Lord J.
Sheil, rt. hon. R. L.
Smith, R. V.
Stanley, hon. E. J.
Stock, Dr.
Style, Sir C.
Thornley, T.
Vigors, N. A.
Yates, J. A.

TELLERS.

Ewart, J.
Warburton, H.

Clause amended and agreed to.

House resumed. Bill to be reported.

MUNICIPAL CORPORATIONS (IRELAND).] Viscount *Morpeth* moved the Order of the Day for the consideration of the Lords' amendments to the Municipal Corporations (Ireland) Bill. He had to state, that the bill now sent down from the House of Lords (owing partly to the state in which it was originally brought in, and partly to the points of agreement which had been arrived at by the two Houses of Parliament in previous years) in its present shape differed far less from the bill sent up to the House of Lords than had been the case in preceding years. At the same time he could not conceal from himself, that in the bill as it now stood, as amended by the other House, there were still some points in which that House had felt itself called on to differ from the other House in previous years; so that he could not now state on grounds of abstract principle that the reasons of that difference were removed. He alluded particularly to the permanent establishment of a rated qualification of 10*l.*, and to the alteration in the mode of electing sheriffs. But, taking a general view of the whole past history and of the present position of this question, of the approximation which had been gradually arrived at between the two great political parties in the State, of the reciprocal advance made towards each other on each side, of the feeling of satiety which it could not be dissembled had begun to overspread the whole subject, and, above all, of the balance of indubitable good to be obtained from passing the bill, and of the amount of actual mischief thus to be got rid of, the Government did feel, and he trusted that House would also feel, that it would be expedient to bring this much-discussed and long-pending question to issue. Therefore it was with this view, and in this spirit, that he now invited the attention of the House to the consideration of the amendments agreed to by the House of Lords; and he stated fairly, that he should not call on the House to disagree from any of those amendments which involved party differences between party politicians and between the two Houses of Parliament. He should confine himself to points of mere detail connected with the machinery and practical working of the measure, and having thus explained the spirit in which he wished the House to deal with the amendments, they had, perhaps, be better put as they arose, and when they occurred his hon Friend, the Solicitor-general for Ireland, would state the words of such simple alterations as they proposed to make in the amendments of the other House of Parliament.

Mr. *J. Grattan* thought, that the Lords' amendments as to the rating of 10*l.* and as to the mode of electing sheriffs objectionable. Many persons would not be enabled to enjoy the franchise for twelve months. He should move the reinsertion of the words in the bill relating to the Recorder of Dublin, and also empowering the Lord-lieutenant to direct quarter sessions to be held. He strongly objected to the striking out of that clause which would prevent the Recorder of Dublin having a seat in that House. That gentleman was a violent partisan, and neglected his duties as a judge to come over there and vote for the Tories. The question was, whether that judge should be week after week discharging the unfortunate prisoners in the gaols, or sitting there (the House of Commons) night after night. He conceived that the Recorder's first duty was to perform the functions for which he was paid. Measures of this kind lost the respect of the people of Ireland to that House; and if the Recorder of Dublin were not prevented, as a judge, from having a seat in that House, the statement of the hon. and learned Member for Dublin would be justified, that they dealt out one measure of justice to England and another to Ireland, as they were about to exclude the Member for the Tower Hamlets from a seat in that House because he was a judge.

Mr. *W. Roche* on the whole was disposed to take these amendments after the five years' struggle which the measure had led to, feeling as he did that the bill in its present shape would break up that most vicious and mischievous system which had so long prevailed in Ireland, though it would fail to build up in the place of the old corporations institutions of a perfectly sound and satisfactory character. He objected to the 10*l.* franchise fixed by the bill, and he also thought, that the appointment of sheriffs ought to have been left in the hands of the town-councils. He therefore gave a reluctant consent to the adoption of the bill as amended by the other House of Parliament.

Amendments read a first time and agreed to.

Mr. *Pigot* said, that by the bill, as it originally stood, the Crown was empowered to grant charters to towns upon the petition of a majority of the rated inhabitants. The other House of Parliament, in amending this particular clause, had limited the power of petitioning for a charter to those inhabitants who were rated at 10*l.*, or, in other words, to the constituency by which the town-council was to be elected. On this he had an amendment to propose, to the effect which would give the right of petitioning for or refusing a charter, not only to those who could elect the council by which a borough-rate could be made, but to reserve the option to those who would have to pay that rate. The hon. and learned Member then moved a proviso to this effect, which was agreed to.

On the Lords' amendments which exempted the Recorder's Court of Dublin from the liability of having its periods of sitting increased by the Lord-lieutenant,

Viscount *Morpeth* said, that though he did not see any ground for the exemption in favour of the recordership of Dublin, still, considering the spirit in which the amendments had been sent down from the other House, he would put it to the hon. Member for Wicklow not to press the House to a division upon this point. However, after what had already occurred with respect to judges not having seats in that House, and when the Lord-lieutenant should have had sufficient time to take cognizance of the wants of Dublin upon this, to inform himself as to the state of the gaols and the number of prisoners in them, if it were shown that it would be important to have more frequent gaol deliveries, it would then become the duty of Government to look to the matter.

Colonel *Perceval* was highly gratified with the course which had been taken by the noble Lord with respect to those amendments, but must repudiate the insinuation that the Duke of Wellington had been influenced in the course which he adopted with respect to this amendment by any personal feeling towards the right hon. and learned Gentleman. That right hon. and learned Gentleman's judicial conduct was above all imputation, and he would appeal to the noble Lord opposite, and ask whether Government could possibly find fault with it. He must express his approbation of the amendments sent down from the other House.

Lord *John Russell* did not object to the first part of what had fallen from the hon. and gallant Gentleman, but when it was insinuated that the clause as the bill was sent up to the other House was inserted for the purpose of throwing a stigma upon the judicial character of the right hon. and learned Gentleman the Recorder of Dublin, he felt himself called upon to disavow that such had been the intention. He was sorry that the hon. and gallant Gentleman should entertain such an opinion, and he likewise regretted that it should be entertained in the other House of Parliament by the greatest man now living. He was sorry for this, as there was no shadow of foundation for such an opinion. For his own part, he did not think that the situation of judge incapacitated the person holding it from being a Member of Parliament. Indeed, he should be sorry to lose the assistance of men of their talent and influence. This opinion he had mentioned before, and in doing so, he took occasion to name the right hon. Recorder of Dublin as one of those to whom he alluded. There, however, appeared to exist some difference of opinion upon this subject, and the objections were extended to the Recorder of London, whose official duties could scarcely be said to interfere with those which he owed to that House. It was another question how far the judicial duties of the Recorder of Dublin, were incompatible with his functions as a Member of Parliament. He did not wish that this question should be made matter of party contest. Since it had been made matter of dispute elsewhere, he was very glad that his hon. and learned Friend had agreed that it was better to omit the original clause. But he never could carry his opinion in favour of a judge sitting in that House to the extent, that in order to enable him to be a Member of that House, they should take away from his efficiency as a judge, and require in him a less attendance upon the seat of justice than they required of any other man. That was a principle which it was utterly impossible to support. There was no doubt, as stated by the hon. and gallant Gentleman opposite, that the Recorder of Dublin performed his duties as a judge in a most satisfactory manner; but that was not precisely the question. The question was, by how frequent attendances those duties ought to be performed. When that question should come forward in a separate form, they must take care to provide that those judicial duties be performed at stated times. If it should be found, that the due performance of them was incompatible with the functions of a Member of Parliament, that would be a reason for modifying his opinion in this case, and saying that such a judge should not be a Member of that House. To exclude from that House by act of Parliament, a Judge of the Admiralty Court because he was a judge, and at the same time to say respecting the Recorder of

Dublin, that it was no matter how his duties were performed, or at what time he attended to perform them—to say that respecting a judge who voted and made speeches in favour of a particular party, and to contravene by the strength of that party a principle which upon other and greater grounds had been insisted upon, was certainly not a consistent course, or one which he was prepared to sanction.

Amendments agreed to, and managers were appointed to conduct a conference with the Lords on the subject of the said amendments and amendments thereto.

POLISH REFUGEES.] Viscount *Sandon* rose to bring under the consideration of the House the case of certain Polish Refugees who had lately come into this country, and which, he said, he was induced to do solely upon the common principles of humanity. He could not appeal to the justice of the right hon. Gentleman, the Chancellor of the Exchequer, for the nature of the case would not allow him to do so, but he would appeal to his feelings of generosity and charity. It was not now a question whether a miserable pittance should be granted by that House for the support of those individuals who were suffering exile from their country for the sake of its independence. It had long ago been decided that the hand of charity should be extended to them with kindness and consideration. With this view, a vote had been taken in 1834 for 10,000*l.*, at which time the number of Polish refugees on the list was 466. The following year the number was 477, and the year after, 462; thereby showing, that the assistance afforded by Parliament had not been such as to induce any influx of those unfortunate persons into this country. In the following year, took place the events of Cracow which had the effect of driving to our shores a considerable number more of Polish refugees; and in consequence of the strong recommendations which were made by men of all parties in Parliament, Parliament had been induced to increase the vote from 10,000*l.* to 15,000*l.* The number of refugees then upon the Government list, was upwards of 600. Whether by death or by departure from this country, that number had since been diminished by about 165. The prayer he had now to prefer was in behalf of 52 others who had recently arrived, and whom he hoped the Chancellor of the Exchequer would not allow to starve in our streets, but suffer them to become participators in the liberality of Parliament. He did not ask the right hon. Gentleman to increase the vote in the slightest degree. He merely asked him to consider the case of those fifty-two individuals who were only as one to three compared with the diminution that had taken place, and to extend to them, if he should find it possible, the benefit of the vote he was about to take. He asked for no additional vote, or for anything that might induce others to come here. He only required that where three claimants had been got rid of one might be added. The sum allowed by this country was not superior to that of other countries, and held out no particular inducement to those unfortunate refugees. There was a general impression, that all Polish refugees were under the protection of Parliament, and receiving Parliamentary assistance. The sources of private benevolence being thus dried up, it was in vain to expect, that the means of subsistence could be obtained for those on whose behalf he pleaded, otherwise than through the Government. It was scarcely necessary for him to tell the House, that those persons had been driven from their country by political persecution, that they had not the means of returning to the places from whence they came, and that, not speaking the English language, they could not of themselves make out a livelihood in this country. He felt, that to refuse the prayer of these fifty sufferers in the cause of national independence, and to allow them to perish at our doors, merely for the sake of not infringing the rule, which prohibited persons who arrived in this country after a certain period from being put upon the list, would be a disgrace to a country which had a character for generosity to maintain.

The *Chancellor of the Exchequer* said, the House would recollect that it had, in the first instance, voted 7,000*l.* for this purpose, and that it had been stated by those who asked for the vote, that it was for one year only, and that no further application would be made. When that year expired, the House again gave way. Then an application was made to extend the vote for a certain number of years, and his noble Friend, the then Chancellor of the Exchequer, had stipulated that it should only include those persons who were then in this country, otherwise it would hold out an inducement to other individuals to come. His noble Friend and the House again gave way. Then the Cracow affair occurred, and, the case being pressed upon Ministers and the House, they gave way a third time. They had first granted the vote for a year, then made it a permanent vote, and then gave way in the Cracow case. Now, the House was asked to give way a fourth or fifth time, and unless a line were drawn, he did not see where it would end. At this moment they were, in fact, paying new claimants, the families of the original refugees. If cases of distress occurred, means would be found to relieve them. He believed that these public votes did, in fact, stop private benevolence. He could not, however, agree with the noble Lord in considering the sum which had been granted a "miserable pittance," or that this country had acted ungenerously in the matter; already 70,000*l.* or 80,000*l.* had been voted. However disagreeable it might be to appear obstinate, he was bound to give a denial to the noble Lord.

Sir *F. Burdett* felt great interest for these unfortunate individuals, who, notwithstanding their heroic exertions, and that their character and conduct were untarnished, had nothing to subsist upon but the miserable pittance granted by the House of Commons. He thought it would be discreditable to the House if it refused a relief which would not increase the burthens of the country. He understood that there were only about fifty persons who sought relief, and a great number of old claims had been obliterated. He flattered himself that the House, considering the feeling it generally showed in these cases, and that the Administration also, would think it discreditable to the country to reject a claim for so trifling an additional relief for persons who had not disgraced themselves—persons of the most virtuous character, who had sacrificed their all in the hope of defending their country, the independence of which had been guaranteed by the other powers of Europe. He should hope that the Chancellor of the Exchequer would, after a little reflection, feel no difficulty in conceding the relief desired towards a few persons who had such strong claims upon the liberality and the charity of the House.

Mr. *R. Gordon* considered that the giving of 78,000*l.* to the Poles in a few years could hardly be considered a "miserable pittance." If additions were constantly to be made to the list, he did not know where they were to stop, and he trusted, therefore, the House would not express so strong an opinion upon the matter as had been expressed by the noble Lord.

The matter dropped.

HOUSE OF LORDS,

Tuesday, August 4, 1840.

MINUTES.] Bills. Received the Royal Assent by Commission:—Regency; Soap Duties; Assessed Taxes Composition; Parliamentary Boroughs; Poor-law Commission; Insane Prisoners; West India Relief; East India Mutiny; Blenheim Palace; Turnpike Trusts; Turnpike Acts Continuance; Caledonian Canal; Canal Police; Toll on Lime; Settled Estates Drainage; Entailed Estates (Scotland); Prisons (Ireland); Turnpike Acts Continuance (Ireland); Newgate Gaol (Dublin); and Weaver Churches.—Read a first time:—Consolidated Fund; Appropriation; Dublin Police; Postage; Linen Manufacturers.—Read a second time:—Militia Pay; Militia Ballots Suspension; Population; New South Wales; Pilots; Slave Trade Treaties; Attorneys and Solicitors (Ireland); Isle of Man; Slave Trade Treaties (Venezuela); Joint Stock Banking Companies; Bank of Ireland; Population (Ireland); East India Shipping; Notice of Elections; Railways.—Read a third time:—Admiralty Court; Oyster Fisheries (Scotland); Non-Parochial (Registers); Metropolis Improvements; Poddle River (Dublin); Sugar (Excise Duties); Fisheries; Insolvent Debtors (India); Chimney Sweepers; Grammar Schools.

Petitions presented. By Lord Dacre, from Bishops Stortford, and by the Bishop of London, from Stoke Newington, to prevent Idolatrous Worship in India.

PROSECUTIONS FOR BLASPHEMY—ABEL HEYWOOD.] The Bishop of *Exeter* seeing the noble Marquess the Secretary for the Home Department in his place, rose to present a petition which appeared to him to be of great importance, as it deeply concerned the preservation of the morality of the country and the due and impartial administration of the law. In the outset he would not disguise from their Lordships that the petition contained grave charges of criminality against the noble Secretary of State, and he hoped that the noble Secretary would be able to explain the facts alleged against him in such a manner as would be satisfactory to their Lordships and to the country. It would be in the recollection of their Lordships, that in the commencement of the present Session, he had troubled the House with certain statements relative to the progress of that horrid system called "Socialism." The consequence of what occurred in that House on the subject was, that in many of the large towns throughout the kingdom numbers of most respectable individuals associated together for the purpose of checking and correcting the hourly growing mischief as far as they possibly could. Amongst other places, a body of persons associated together in Manchester, for the express purpose of discouraging and putting down blasphemous and immoral publications in that town; and the committee of that society had intrusted to his care the petition which he was then about to present to their Lordships. Of that committee, five were clergymen of Manchester, two were Wesleyan ministers, two were solicitors, and four were respectable laymen. These thirteen persons formed the committee of that society. The petition, however, could only be received as the petition of the chairman and secretary, their names alone being appended to it. The petitioners stated that Abel Heywood, a bookseller at Manchester, was indicted at the Sessions held early this year for the publication of a blasphemous libel, and it was his painful and most unpleasant duty to read to their Lordships the libel for the publication of which Heywood was called on to answer to the outraged laws of his country. The writer of the libel said—

> "What wretched stuff this Bible is, to be sure! What a random idiot its author must have been! I would advise the human race to burn every Bible they have got. Such a book is actually a disgrace to ourang-outangs, much less to men! I would advise them to burn it, in order that posterity may never know we believed in such abominable trash. What must they think of our intellects? What must they think of our incredible foolery? And we not only believe it, but we actually look upon the book as the sacred word of God, as a production of infinite wisdom! Was insanity ever more complete? I, for one, however, renounce the book. I renounce it as a vile compound of filth, blasphemy, and nonsense; as a fraud and cheat; and as an insult to God."

That atrocious libel was prosecuted, and he was rejoiced to say by the direction of the noble Marquess, in accordance with his promise made, when early in the Session he brought the subject of those blasphemous publications before their Lordships. The trial took place in May, and Heywood pleaded guilty to the indictment. On his having so pleaded guilty, he put in an affidavit in extenuation of his offence, and for a mitigation of punishment. In that affidavit he swore—

> "That, having learned early in the month of February last that certain printed papers, and, amongst others, certain printed papers at that time published by the deponent in the way of his trade, were deemed improper, offensive, and illegal, by persons of eminence in church and state, and more especially by the right rev. the Lord Bishop of Exeter, the deponent did thereupon immediately give orders to the persons by him employed in his said trade not to publish or sell any more of the said printed papers so deemed to be improper, offensive, and illegal as aforesaid; and that the deponent did not himself, publish or sell any of such printed papers; and that he did verily believe that the said persons by him employed in his said trade did not publish or sell any of the said printed papers after the deponent had learned, as aforesaid, that the said printed papers were so deemed improper offensive and illegal."

On the production of this affidavit, the counsel for the prosecution stated that Heywood had pleaded guilty at the request of the Crown, and that he was instructed by her Majesty's Government not to press for judgment against the defendant, but to consent to his discharge on his entering into recognizances for his good behaviour. Here there was a *primâ facie* case of offence alleged against the noble Marquess, and it would be for him to explain what were the circumstances, looking to the situation in which the country was then placed, that operated to prevent the law of the land from taking its just course in the case of this defendant? Sorry, however, he was to say, and this was the complaint which he made against the noble Marquess, that, at the time he suggested to the defendant to plead guilty, and directed counsel not to press for judgment against him, at that very time he was in a condition not merely to assert but to prove it, and calling on the noble Marquess to disprove the fact if he could), at that very time and moment a stipendiary magistrate was furnishing the noble Marquess with evidence against this individual—evidence which proved that this man, who swore that he had discontinued the sale of those blasphemous libels in February, had repeatedly sold libels of that description in the month of March, of a nature infinitely more disgusting, filthy, and revolting, if possible, than that which he had read, and which he would not offend their Lordships' ears by alluding to further. The stipendiary magistrate of Manchester proved that the defendant, not only by his shopkeeper, but by himself, and with a guilty knowledge of what he was doing, had sold these horrible publications in the month of March. And yet, with these proofs in his possession—proofs placed in the noble Marquess's possession in consequence of the circular letter addressed by him to the Lords-lieutenant of counties, calling upon them to communicate with the magistrates for the purpose of putting down these blasphemous publications—proofs placed in his possession in consequence of his own proclamation, in alluding to which the noble Marquess boasted in that House of the zeal and anxiety he manifested for the preservation of morality—in the face of these proofs the noble Marquess had ventured to urge the counsel for the prosecution to advise the defendant to plead guilty, in order that he might have an excuse for liberating him on his entering into recognizances. These facts involved matter of grave accusation against the noble Marquess; the more especially as, connected with other circumstances disclosed in the petition, they showed that a corrupt motive existed for the course of proceeding adopted in this matter. It appeared that this proceeding—the liberation of Heywood—took place at the suggestion of certain Members of Parliament. It was alleged in the petition that this individual was dealt with as he had described on the representations made by the Members of Parliament for Manchester and Salford. Here he was bound to add that those three Members for Manchester and Salford did not deny that they had presented a memorial at the Home-office in favour of Abel Heywood. In saying this he did not mean to assert that those Gentlemen knew exactly the nature of the charge against the defendant. He did not mean to charge them with the guilt of favouring blasphemy. But he must say, that it would become a high officer of the Crown, in whose hands was especially placed the guardianship of the laws and morals of the country, to be peculiarly jealous of the interference of Members belonging to either House of Parliament in matters of this serious and important nature. Such an interference ought to have induced the noble Marquess to use the utmost caution even without being in possession of the evidence to which he had alluded, before the noble Marquess consented to deal so lightly with one who was not a casual, but an habitual vendor and propagator of these blasphemous tracts. The facts of the case showed that the defendant knew he was doing wrong when he was selling these publications; for it appeared that when he was applied to for them, he did not at first consent, but was finally induced to go into his inner shop, and from his stock there he placed the copies in the hands of those who were employed to procure them. Under these circumstances he contended that a grave wound had been inflicted on the justice of the country. He should now beg leave to read the concluding paragraph of the petition, which ran thus:—

"That your petitioners are most strongly of opinion that the discharge of the said Abel Heywood under the circumstances aforesaid, the said Abel Heywood having been a notorious vendor of such publications as aforesaid, and being a member of the said society of Socialists, was naturally calculated to encourage the principles of the said society, and particularly such sentiments as are contained in the said blasphemous and obscene publications, and to induce a general belief, especially in the minds of those persons whose welfare is more immediately endangered by the propagation of infidel opinions, that her Majesty's Government were perfectly indifferent as to the maintenance of the interests of religion and good order; or were, at all events, unwilling to put into operation those laws for the repression of blasphemy and vice which are confided to their administration; and that a still greater danger has ensued, lest the lower classes of society should be led to imagine that political influence will induce her Majesty's Government to dispense with the punishment of the most flagrant and most scandalous offences. That your petitioners, although unwilling to express their own concurrence in the conclusions which they conscientiously believe will be formed, from the facts before stated, by the mass of the people, feel nevertheless bound to express their deep regret at the conduct pursued by her Majesty's Government—conduct which, as they conceive, has tended to throw discredit upon the laws of the land, rather than upon the crimes which those laws were intended to repress. Your petitioners, therefore, humbly pray that your Lordships' hon. House will be pleased to institute an inquiry into the facts before stated, and also into the circumstances under which her Majesty's Government were induced to forego the passing of any sentence upon the said Abel Heywood, and to give to your petitioners such further or other relief in the premises as to your Lordships' hon. House shall seem meet."

The Marquess of *Normanby* said, that as their Lordships might well suppose, he was naturally anxious to take the first opportunity of giving the fullest explanation of his conduct in reference to the case on which this petition was founded. But before stating the facts, which would show that he had taken a course which was most likely to lead to what all their Lordships must think most desirable — the complete stoppage of the publication of such libels as those which the right rev. Prelate had read, and which by general concurrence ought to be suppressed—he would beg leave to repudiate with all the contempt which his respect for the right rev. Prelate's station would permit him to exhibit, to the insinuation which the right rev. Prelate had thrown out, that he had been operated upon in the discharge of his duty because three Members of Parliament came to him. The right rev. Prelate said, that they came to the Home Office, and stated, "We are three;" and then he insinuated that this influenced him in the discharge of his duty. True it was that three members of Parliament came to him, and presented a petition on the subject of Abel Heywood; but, as their Lordships must well know, there was nothing more common than for persons, who had petitions to present at the Home Office, to put them into the hands of the Secretary of State. To those who had left this petition, he had stated that he could give them no reply then to the course which he should adopt, as the case of Abel Heywood was already under examination, and he must act as might seem best upon the report which should be made to him. He had received previously to their call a memorial from Heywood, which, at that very time, had been transmitted to Sir Charles Shaw for inquiry. In that memorial, Abel Heywood stated—

> "A prosecution had been instituted against him for having published Haslam's letters to the clergy of all denominations, which he had afterwards discovered to contain a blasphemous libel, and that he had been tried at the last Midsummer sessions for the publication of that blasphemous libel."

Another proof of the unwarrantable contradiction of the right rev. Prelate to the assertion he had ventured to interrupt him by making when he endeavoured to set him right as to the time when the prosecution occurred. The trial did take place at the Midsummer sessions. It was true, that he had previously received from Mr. Crook, the stipendiary magistrate of Manchester, some of these letters and having agreed in the opinion expressed by the right rev. Prelate of their character, he had placed them in the hands of the law officers of the Crown for inquiry whether they should not be prosecuted. The petitioner said, also—

> "That I am a general publisher and wholesale bookseller, not confined to any particular class of books, but that I do sell every description of books, and that I have published, sold, and circulated five different pamphlets written in opposition to, and condemnatory of the language made use of in 'Haslam's letters.' I solemnly declare that I was not aware of the libel complained of in this pamphlet, until the evening on which I was arrested, and that I have not, since the circular issued by the Secretary of State for the Home Department, sold a copy of 'Haslam's Letters,' but I have done all that I could to put a stop to their circulation, and have induced the author to destroy the whole stock on hand, to prevent the further circulation, although the author had bought types, a press, &c., to publish the work himself."

The time when this person was arrested was on the 14th of April. Now, the right rev. Prelate had alluded to many other documents sent up to the Home Office by the secretary of this society. A great many documents had been undoubtedly transmitted, with the proof marked at the back, of the place where they were bought. These were all sent to the law officers of the Crown on the 11th of April, three days before Heywood's arrest, without any particular attention having been paid to the names of the persons from whom they were bought. The memorialist stated that, subsequently to the date of his arrest, he had never published this work. If he had so published it he had stated inaccurately, but if, as the right reverend prelate had averred, he had sworn, in his affidavit, that he had not published any after the month of February, and yet had published so late as March or April, this person was liable to an indictment for perjury. This portion of the case had never before come to his knowledge; but if, as the right reverend prelate had said, Abel Heywood did swear that he had published none since February, and yet there could be proof brought of subsequent publication he was liable to punishment. All that he thought it necessary to state in explanation of his conduct was, that as to the facts set forth in the memorial he did make such inquiry as he thought necessary of Sir Charles

Shaw, the commissioner of police at Manchester, who communicated with others. The reply was, that it was certain that this person was a general publisher of books of all descriptions, and that they did not think that he had sold any subsequently to his arrest. Their Lordships knew the situation in which that part of the country had been placed, and Sir Charles Shaw did urge strongly that the Government should take the course which it afterwards adopted in consequence of Heywood's having rendered him great assistance in preserving the peace last winter in that part of the country. It was certainly very proper that general publishers should be made answerable for libels of this description. At the same time the power of publication was a very difficult one to exercise, while, on the other hand, it was liable to great abuse. But, from the best information he could obtain, it did appear to him that this individual had been unconsciously the instrument of publishing this objectionable work; and as he had declared he was not aware of the libel contained in it, and as he had undertaken not to publish any more copies, and had adopted the best means to suppress the publication in any shape, by prevailing on Mr. Haslam to destroy the copies remaining unsold, he felt himself perfectly justified in taking the course he did, because, by doing so, he had promoted that result which every one must desire, which was the suppression of these works in a manner that should meet with the most general concurrence of public opinion. Suppose, after the party had pleaded guilty, first denying that he was aware of the existence of the libel, and declaring that he would not repeat the offence of again publishing this work, he had taken an opposite course and had given to the proceedings the character of persecution, would there not have been great danger, that under these peculiar circumstances an erroneous impression might have been created, and a spurious sympathy excited, in a case in which the only wish ought to be, that the feelings of the country should be sound and justly indignant against the offence. What had been the result? It had been distinctly ascertained that publications of this nature, since the prosecution of Mr. Heywood, had very sensibly and materially declined. So far, therefore, it could not be said that the course he had adopted had tended to promote this description of works. On the contrary, he believed, that while the course he had taken had had the effect of showing those persons the risk they incurred, and the certainty there was that Government would prosecute if they repeated their offence, the inevitable effect of an opposite line of conduct on his part would have been to have excited attention to this publication, and thereby have increased the public demand for it. With regard to the petition which the right reverend prelate had just presented, as far as he was informed, it by no means expressed the state of feeling generally prevailing among the clergy of Manchester, or among the most respectable, religious, and well-disposed of all parties, and who were the most anxious for the suppression of this kind of publication. The right rev. prelate had stated that the petition was only signed by two persons, and it could, therefore, be considered only as the petitions of those individuals. One of them was the Rev. Mr. Stowell, who he (Lord Normanby) understood was himself at this moment under prosecution for a libel; it, therefore, perhaps, would have been more seemly on his part to have abstained from urging in the manner he had done in this petition, that severe measures should be taken against a person who had been convicted of an offence similar to that with which he had himself been charged. The result of such a course would have been to have made the individual the object of a spurious popularity, which would have done more injury to the cause of truth, of morals, and of religion, than any other that could have been pursued. He would not trespass upon their Lordships' attention any further, but he really felt indignant at the manner in which the right reverend prelate had presumed to impute motives to him. On this occasion, as on all other occasions, he had acted only from a sense of duty. He had not acted merely on the representations of three members of Parliament, but from the information he had received from other quarters, and also from his own sense of what was right, in order to produce that result which all must desire—namely, the suppression of this description of books, the circulation of which could not be more effectually promoted, than by the notoriety given to them by the system which the right rev. prelate had throughout pursued during the present session of Parliament.

The Bishop of *Exeter* had only said, that under the circumstances of the case, the effect of the Members for Manchester and the Member for Stockport going to the Secretary of State was to say to him —not in words, but in a manner stronger than by words—"We are three." He had never charged those gentlemen with using any such expression. With regard to the language which the noble Marquess had been pleased to use, he had no intention of retaliating; he entertained no contempt for the noble Marquess; he entertained contempt for no one, and therefore not for the noble Marquess. There were, however, two or three things in the noble Marquess's speech of which he felt bound to take notice. The noble Marquess said he had been informed, upon good authority, that Mr. Heywood was not habitually a vendor of blasphemous publications. Now, whoever told the noble Marquess that, told him what the noble Marquess had in his own possession the most ample means of contradicting. He would read to their Lordships one of the statements in the possession of the noble Marquess:—

> "Manchester, March 24. John M'Dowall, of No. 40 Cotton-street, Manchester, weaver, states that he called at the shop of Abel Heywood, bookseller and publisher, 60 Oldham-street, Manchester, on Saturday evening, the 21st of March, about half-past seven o'clock, and asked for Nos. 1 and 2 of *Clarke's Critical Review;* that a woman was attending in the shop, and she said they had none; that having been referred to Abel Heywood's shop for them, and believing they had them notwithstanding such refusal, he called again the same evening about a quarter to ten o'clock, and saw Abel Heywood himself, and asked him for the same numbers; that after some hesitation he fetched the numbers asked for out of an inner room and handed them to M'Dowall."

He held in his hand a copy of the work referred to, but it was of so shocking a description, that nothing less than absolute necessity would induce him to bring any passages of it before their Lordships. He would put it into the hands of the noble Marquess, in order that the noble Marquess might judge for himself. He believed, indeed, that a copy of the work accompanied the communication which had been addressod to the noble Marquess (as we understood). Four of these statements had been sent to the Home-office, proving not merely technical and constructive, but actual and guilty knowledge, on the part of this individual of the blasphemous character of the publications. He told the noble Marquess, that the country would never believe that the Government were resolved to put down publications of this kind, nor that the Government cared anything whatever for the religion or morality of the country when put in competition with their continuance in office, if the noble Marquess merely deluded the public by a show of proceeding against offenders of this description, and then allowed them to escape with impunity on the first application that was made. The noble Marquess stated, that the consequence of the system that had been pursued, had been to diminish the number of these offences. Some accounts had reached him however, and he would tell the noble Marquess of one meeting that had taken place which certainly did not confirm the statement. The noble Marquess must indeed have known of the meeting taking place, as information respecting it was forwarded to the noble Marquess by a magistrate of the county of Surrey. At this meeting, which took place on Ham-common on Tuesday last, discourses had been uttered in public of a most frightful kind. He would read to their Lordships what had been said by Mr. Owen on that occasion, according to the statement of two respectable individuals. In answer to the question whether man is responsible for his actions? Mr. Owen replied in the negative, illustrating his answer by a tumbler glass and decanter in his hand, which he said were not responsible for having clean or dirty water put into them, "and such is man; therefore, man is not responsible, either for murder or any other act that he commits." His informant then said, "Am I to understand that man is not responsible for murder or any other act?" "Decidedly so," said Mr. Owen, "man is not responsible; no, not for murder or anything else he does." This was the language held at a public meeting, of which notice had been given, and at which, therefore, it could not be doubted the noble Marquess had persons present to take notice of what occurred. He would mention another instance: he had received a letter as he came down to the House stating, that a blasphemous publication was suspended in a shop in the Strand, and that the writer having addressed the noble Marquess on the subject, had hoped that the publication would have been suppressed, but that it still continued to be exhibited and to disgrace this Christian city. He had furnished to the noble Marquess an offer of evidence against the individual in whose shop this work was exhibited. He did not know whether proceedings had been commenced in consequence; he hoped they had, and that it was only the "law's delay" which had prevented their being yet brought to a satisfactory result; but it was in April last that he made the communication to the noble Marquess. The noble Marquess had not been contented with standing on the defensive, for he gave their Lordships to understand, that the persons from whom the petition emanated were not entitled to much respect, and that as one of the gentlemen by whom it was signed was under prosecution for libel, it would have been in better taste on his part to have abstained from signing the petition. Now, he had that day received a communication from a gentleman concerned in the case, who was a respectable solicitor in Manchester, and who stated, that so far was it from being true, that Mr. Stowell was under prosecution for libel, that no prosecution was ever thought of being instituted against him. It was true that some proceeding had been taken, but it was in the nature of an action, and he would tell their Lordships what the words were for which this action had been commenced. He had no personal acquaintance with this gentleman, but he had heard much of his learning, his talent, and of his zeal, both as a Christian pastor and as a defender of the doctrines of the Church of England (although the noble Marquess might not think this a ground for praise) against the attacks of Roman Catholics. He admitted that Mr. Stowell entertained an ardent wish, as he also did, that the Roman Catholics might not be able to succeed in what Mr. Stowell believed, and what he believed, to be their objects. But he (the Bishop of Exeter) had never heard that this Gentleman had taken any unworthy course in his hostility. It appeared that the words which had been made the ground of the action had been read by Mr. Stowell at a public meeting held at Manchester, to petition their Lordships, and he believed the other House of Parliament, against any further grant to the College at Maynooth. The statement read by Mr. Stowell was to the effect that a Roman Catholic priest in Manchester had ordered one of his congregation, named John O'Hare, to do penance, by going on his hands and knees in the public road. For this statement the action had been brought. He was assured and believed that there was no doubt whatever of the fact that O'Hare had been found on his hands and knees in the streets, and had been seen in this position by four policemen, who, being surprised at so extraordinary a spectacle—for we were not living in Ireland—inquired the reason of it, and were told by the man that he was commanded to do so as a penance by his priest, and could not have remission of his sins, or at all events of their punishment, unless he did this penance. Under these circumstances, Mr. Stowell considered himself at liberty, as he should have done, and as he believed the noble Marquess would have done, to state this fact at a public meeting. The man turned out to be a lunatic; he therefore could not be called upon as a witness, and the priest had brought this action, but the opinions had been taken of some of the most eminent law authorities, who ridiculed the idea of the action being maintained. Such was the ground on which the noble Marquess considered a clergyman disqualified from remonstrating against the publication of blasphemous libels.

The Marquess of *Normanby* only rose to notice that part of the right rev. prelate's speech in which the right rev. prelate stated that he had in his possession proofs of the guilt of Mr. Heywood. He could only say, that he had received a large packet of papers, which he had referred to the law officers of the Crown, and had not seen since. The result of the single proceeding which was now brought under their Lordships' notice, would not affect the course which the law officers of the Crown might think proper to adopt with respect to the other publications.

Conversation dropped.

CINQUE PORTS—PILOTS.] Viscount *Duncannon* moved the second reading of the Pilot Bill. This bill was for regulating the system of pilotage in the Cinque Ports. The inhabitants of those ports, who were part owners of vessels, claimed the privilege of being free from pilotage; and although when there were only sailing vessels little inconvenience arose from it, yet now that there were so many steamers, it be came a matter of consequence, for the captains or mates of those vessels having taken a lodging in one of the towns of the Cinque Ports for a short time, and having entered their names as part proprietors, were thus enabled to evade the pilotage dues. The French government had complained of steamers from Havre to England being obliged to pay 18*l.* a voyage for pilotage, while British steamers were, in fact, exempt from it, and this bill was, therefore, brought in to prevent such frauds being practised by British steamers in future.

The Duke of *Wellington* regretted that the whole correspondence between the Board of Trade and the Warden of the Cinque Ports on this subject had not been laid on the table of the House, as it would show the grounds on which the system now proposed was founded. The privilege to which his noble Friend had alluded, was one that had become an abuse, as the pilots were deprived of their business of pilotage. All he desired was, that justice should be done to that class of men, who, he would answer for it, did their duty, and who were put to great expense in order to enable them to perform that duty. He certainly preferred the first scheme that was proposed by the Board of Trade; but he would not oppose the second reading of the bill.

The bill read a second time.

Canada—Clergy Reserves.] House in committee on the Clergy Reserves (Canada) Bill.

On Clause 2.

Lord *Ellenborough* said, that the bill directed the investment annually of the funds arising from the sale of the clergy reserves. It appeared to him that the sum so arising, and so to be invested in the public securities of the colony, would bear a very large proportion to the debt of Canada, and its periodical investment as a part of that debt would have the effect of a very large sinking fund, the tendency of which must obviously be to increase the value of public securities. But eventually the time must come when those investments would cease, and it was not impossible that the interest on them might cease to be payable, the necessary consequence of which would be to leave the clergy without any provision. No prudent person would regard an investment in these funds as a secure provision for his family, and that which could not be considered a permanent provision for a family that might expire must be quite insufficient for a clergy intended to be perpetual. He should, therefore, propose an amendment to this effect—that the Crown shall have the power of assenting to any bill which might pass the Colonial Legislature for investing the proceeds of the clergy reserves as a part of the public debt irredeemable for ever at a fixed rate of interest. He also thought that the Government ought long since to have assisted the people of Canada in forming the important ship canal so necessary to the prosperity of that colony, by giving them the advantage of the credit of this country. It was now well known that that province only wanted those proceeds of the clergy reserves for the purpose of effecting that great object, and the present bill would materially assist in accomplishing that, providing it underwent the necessary amendments. If the bill now before them remained unchanged, the Government could do no more than make the investments in the present securities; but by the change in the measure which he proposed, the Crown could give its assent to any bill which might pass the Colonial Legislature for effecting a different species of investment. He looked upon the practice of coming to that House year by year to legislate for that colony as highly inconvenient, and therefore it was, that he at once proposed to invest the Crown with the requisite power, without rendering it necessary to come to Parliament. He was decidedly of opinion that the interest ought to be fixed, and it appeared to him that 5 per cent. would be a good rate of interest.

Viscount *Melbourne* suggested that the amendment of the noble Lord would convert the measure into a money bill, and their Lordships could not adopt it without an infringement of the privileges of the other House.

Lord *Ellenborough* observed, that the amendment which he proposed only amounted to the insertion of a permissive clause, and he took upon himself to say that their Lordships might do anything that they thought necessary relating to the taxation of the province, without at all interfering with the privileges of the other House.

Lord *Seaton* said, there could be no doubt that the measure would be received in the colony with great joy, and on the whole he must say that the bill appeared to him much less objectionable than any that had yet been proposed. At the same time some further provision for the clergy would be necessary for the measure would make provision for only 125 clergymen of the Episcopal Protestant Church.

The Earl of *Ripon* had some doubt as to the policy of the amendment. He feared that its effect would be to deprive the clergy of the power of acquiring lands in any form, however necessary for building churches or residences for themselves, all which objects were certainly contemplated in the act of 1827, which gave the power of selling these reserves.

The Archbishop of *Canterbury* said, their Lordships must have heard with great satisfaction from the noble Lord (Seaton), that the effect of this bill would be to tranquillize the agitation which had so long pervaded that country, with which the noble Lord was so well acquainted, with respect to the distribution of the Canada Clergy Reserves. It was that feeling which had induced him to accede to the bill, believing that there was little or no chance of those jealousies and animosities which prevailed in Upper Canada being healed and subdued until this question of the clergy reserves should be settled. But their Lordships would have heard with the utmost concern the other part of the noble Lord's statement, with which he (the Archbishop of Canterbury) was already fully acquainted from the various corresponding accounts he had received from every person having a knowledge of that province, and taking the deepest concern in its religious welfare—namely, the state of spiritual destitution in which that province was plunged, and which almost exceeded belief. From accounts given by missionaries, who had travelled through the several parts of the province, it appeared that they found whole masses of the population, equal to ordinary parishes in England, who had not seen a minister of the gospel more than once in a year, and some had not seen one more than once for two or three years, while in other parts of the country the people had not had the benefit of any religious instruction for twelve or fourteen years together, and were left literally in a state of heathenism. Their Lordships would also regret very much, that no better provision had been made for the Church of England and the Church of Scotland, and, in fact, for the ministers of religion, of whatever denomination they might be, than the proceeds of these clergy reserves. The noble Lord had stated, that the portion for the Church of England would amount to 25,000*l.* at the utmost. The income of the Church already nearly equalled that sum; receiving about 7,000*l.* or 8,000*l.* from the clergy reserves and the Government, and about 16,000*l.* from the Society for the Propagation of the Gospel in Foreign Parts. A most wretched pittance, indeed, that was which was derived from the first-named sources, and it had been daily diminishing up to the introduction of this measure into Parliament. The state of the country itself, liable to the continual changes and uncertainties resulting from emigration, and to the inconveniences of a new condition of society, coupled with the comparative heathenism in which the population were placed, induced him earnestly to call upon their Lordships to take this subject into their most serious consideration. It was not right that this country should be neglectful of the religious welfare of her subjects residing in her colonies. Our possessions extended into every part of the world, and prosperity had marked our national history for a long series of years. We had become rich and powerful amongst the nations of the globe, but what must be the retribution that awaited a country which had received so many blessings from heaven, and which was so little anxious to diffuse that religious knowledge amongst mankind, to which it owed all its prosperity and power? He thought the amendment of the noble Baron liable to the objection stated by the noble Earl (Ripon). He should be sorry to see the money vested in colonial securities. What he should expect was, that the whole of these funds should be placed at the disposal of their owners, and that they should be laid out in the purchase of lands and secured in other ways, in property not dependent on the state. It would be an evil to suffer the church to be for ever a burden on the funds of the country, because it would be exposed to all the unpopularity arising from being maintained out of the public taxes. From this the Church would be relieved if the money was vested in the Society for the Propagation of the Gospel, which had done so much already as a charitable institution for the support of religion in that country. It was in this way that property was vested in that society for the benefit of the Episcopal Church in the United States, and up to this moment that society remained the trustee of that property, which had been respected through all the changes and revolutions that had taken place there, and which had placed the Episcopal Church in America, in a situation of pre-eminence and stability beyond all other churches. At the same time, after all he had heard from the noble Lord, he could not object to the passing of a bill which he understood would tend to restore tranquillity to Canada.

The amendment negatived. Clause agreed to.

On Clause 3,

The Bishop of *Exeter* wished to know from the noble Viscount what was to be understood from that part of the clause which provided that the proceeds of the clergy reserves should go

> "To satisfy all such annual stipends and allowances as had been heretofore assigned and given to the clergy of the Churches of England and Scotland, or to any other religious bodies or denominations of Christians in Upper Canada, and to which the faith of the Crown is pledged."

He could not suppose that her Majesty's Ministers intended to include Roman Catholics; yet the words were so large as to include them or any other religious body or faith. He should move that the word "Protestant" be inserted, so as to render the clause positive and certain in its meaning.

Lord *Ellenborough*,—My Lords, I solemnly conjure you not to concede that. I implore you not to agree to that proposition.

The Bishop of *Exeter* begged the noble Baron's pardon, but he had not yet done. Their Lordships would do well to remember, that they were now disposing of a fund given by an act of Parliament in order to carry into effect the pious intention of George 3rd—the permanent maintenance and support of the Protestant clergy. True, doubts had arisen upon the meaning of the phrase "Protestant clergy." But did their Lordships ever hear a doubt that those words excluded the Roman Catholic clergy? Well then, he besought them not to pass the clause in its present shape. The noble Baron had risen and solemnly conjured their Lordships not to insert the word "Protestant." He as solemnly conjured them to do so, if they had any value at all for that religion they professed—that religion which he believed they anxiously desired should have its full and free course in America as well as in England. Need he remind their Lordships of what had been solemnly declared to be the purpose of these endowments of lands? When the judges decided that the clergy both of the Churches of England and Scotland should be admitted to share in the proceeds, they certainly intimated that there might be other persons of whom they knew nothing, but even then they distinctly said, that the words were intended to exclude the clergy of the Church of Rome, and that the endowments were rather designed to aid the Protestant Church and support the Protestant faith, than the clergy of the Church of England in particular. Would their Lordships consent, then, that this property should be seized and confiscated, and given to the Catholic clergy of Upper Canada, because it was quite clear that such would be the effect of the bill?

Viscount *Melbourne*,—It does not bear that construction.

The Bishop of *Exeter* begged the noble Viscount's pardon. The clause described the manner in which the property was to be apportioned. In the first place, "to satisfy all such annual stipends and allowances as have been heretofore assigned and given to the clergy of the churches of England and Scotland, or to any other religious bodies or denominations of Christians in Upper Canada, and to which the faith of the Crown is pledged." [Viscount *Melbourne:* Such as have been "heretofore assigned."] He was glad to hear the noble Viscount repeat those words, because it seemed that he meant that the Roman Catholic clergy were not to be considered as included in the terms of the clause; therefore he could have no objection to admit the qualification which he (the Bishop of Exeter) wished to have inserted. Would the noble Lord say distinctly that Roman Catholics were excluded? Would he say that they were not included? [Viscount *Melbourne:* The clause does not bear the construction put upon it.] He thought it did; and he was confirmed in that opinion by a return from Sir George Arthur, which had been printed and circulated, and might be found in their Lordships' library. The accuracy of that return might be tested by an appeal to the noble Lord seated on the cross benches (Lord Seaton). It was a list of those payments to which "the faith of the Government was pledged," and amongst them was no less a sum than 1,500*l.* a year to the Roman Catholic clergy. [Viscount *Melbourne:* Then it ought to be continued.] The noble Viscount said it ought to be continued. He was not now contesting the point whether it ought to be continued or not. He would not be drawn into any unnecessary discussion. What he contended for was, that it ought not to be charged upon that fund which was given expressly for the support of Protestant clergymen; and he thought no Protestant House of Parliament could consent to such a diversion of this property. The clause was in truth a proposition for taking money out of the small funds expressly designed for the support of a Protestant clergy, and applying it to the maintenance of a Roman Catholic clergy. They were gravely told that more than a tenth part of what had been realized for a long time past was to go to the maintenance of a Popish clergy. He thought it scarcely possible that their Lordships could entertain such a proposition. The consideration of another circumstance might make this proposition still more intolerable to their Lordships; it was, that they were forcing this money upon the acceptance of the Catholics. He was sure that the noble Baron, when he rose and conjured their Lordships not to agree to the amendment, did so with the most laudable feelings, being influenced by an opinion that this bill was to restore tranquillity to the province of Upper Canada. But what notion would their Lordships have of the matter, when he read to them a proof that the Roman Catholics themselves did not expect that this should be done for them—nay, more, that they actually wished and asked that it should not be done? In the appendix to the report on the affairs of British North America, by Lord Durham, p. 45, was to be found the address of Roman Catholic inhabitants of Upper Canada to the Earl of Durham, signed by the Catholic bishop and thirty of the principal residents. That report contained the following passage:—

"With respect to the clergy reserves, considering that we were expressly and designedly excluded by the act of 1791 from any participation in them, we have resolved not to embarrass the settlement of that question by making application for any portion of them."

But they proceeded to recommend that these reserves "be not bestowed exclusively on the Church of England," but that they be "devoted to the religious and moral instruction of the whole people." They there disclaimed any desire to participate in these funds: would any noble Lord say it was fitting after that to entertain the proposition of the clause as it stood? He should move to insert the word "Protestant" before the words "religious bodies or denominations of Christians in Upper Canada."

Lord *Ellenborough* said, that what he conjured their Lordships to do was, not to introduce any words or provisions into the bill which would deprive the Roman Catholics of Upper Canada of any portion of what they now derived from the bounty of the Crown, and to which the honour of the Crown was pledged. He felt perfectly convinced that if their Lordships ventured to touch that subject, there was not the slightest hope of tranquillity in Canada. A Catholic question would be created that instant, and the Roman Catholics, forming two-thirds of the population of Upper Canada, would be united, they and their representatives in the Assembly, against the Government of this country. Happily up to this moment there had been no religious dissensions in Canada. That country had been spared that greatest of all curses, and he did trust that their Lordships would introduce no words into this bill which would in the slightest degree diminish the emoluments which the church of Rome now derived.

Viscount *Melbourne* had the very strongest objection to the amendment proposed by the right rev. Prelate, and exactly on the same grounds as those stated by the noble Baron. The object of the clause was to continue the payment of those stipends to which the faith of the Crown had been pledged, and if the payment had been hitherto made, it ought to be continued.

The Earl of *Ripon* regarded the bill as a compromise on the part of the Church, by which compromise, however, she obtained a legal title to something which did not proceed from the clergy reserves. The Crown was obliged by the bill to make good, up to a certain sum, any deficiency in the revenue arising from the clergy reserves, to which guarantee, on the part of the Crown, the Church of England, under the Act of 1791, had no positive right. He said, therefore, that upon the whole it was but a reasonable settlement that the bill should be so constructed as not to leave any ground of dissatisfaction in the colony; if, however, no compromise had been made, he should have thought that it might have been very doubtful whether the Roman Catholics would have had any right to participate in the clergy reserves.

The Bishop of *Exeter*, in reply, admitted that a compromise had been made—but between whom? Between the parties who were really parties to the discussion, which the Roman Catholics were not. It was contrary to all good faith to fasten a charge for their support upon funds belonging to the Protestant clergy. If the Government had pledged their faith to find means for the support of the Roman Catholic clergy, let them go to Parliament and ask for the necessary supplies; but let them not steal from the miserable modicum which was left to maintain true religion.

Their Lordships divided on the question that the word Protestant be inserted: Contents 17; Not-Contents 27: Majority 10.

Remaining clauses agreed to, the House resumed; Report to be received.

Rating Stock in Trade. The Marquess of *Normanby* said, that he rose for the purpose of moving, which he did with very great regret, that the order of the day for going into committee on the Stock in Trade Bill be read in order to be discharged. There were some words in the last clause of the bill which had occasioned very considerable doubt whether they did not carry the exemption provided for by the bill much further than was originally intended. He would move that this bill be committed that day three months.

Lord *Portman* remarked, that it was necessary to make it clearly understood that their Lordships' House having found that a large amount of property would have been exempted from rating by this bill, had taken care to prevent such an error being committed. He wished to mention that a right rev. Prelate, who had been obliged by illness to leave the House, had consented to the arrangement proposed, on the condition that the bill to be brought in should be merely temporary. He must say, that his noble Friend at the head of the Home Department, could do no greater service to the country during the recess, than by preparing himself carefully on the subject to which this bill related, as it was of the very highest importance.

Lord *Ellenborough* did not know what service the noble Marquess might have it in his power to do the country during the recess, but he knew that he could not do the country a greater disservice than by passing temporary acts of Parliament.

The Marquess of *Normanby* admitted the correctness of that observation as a general principle, but, as he was obliged to withdraw the present bill, he thought the introduction of a temporary measure justifiable.

Committee on the bill put off for three months.

Affirmations.] Lord *Monteagle* moved the second reading of the Affirmations Bill. In 1828, the Legislature had admitted Quakers and Moravians to make a declaration instead of an oath in criminal as well as in civil proceedings. In 1833, it went a step further, and abolished oaths not only in all judicial proceedings, but in all proceedings whatever, so far as the Quakers and Moravians were concerned. In the same year, another act was passed by which the same privileges were extended to the Separatists. Again, in the year 1838, the same relief was given to certain parties who had been Quakers, Moravians, or Separatists, but who, having ceased to hold those opinions, had become members of the Church of England. The class to which the present bill referred was not numerous, consisting as it did of persons who, being members of the Church of England, might feel a conscientious objection to taking an oath. He must remind their Lordships that all those bills had been introduced with the sanction of the judges, and the bill now before them had been drawn up by Mr. Baron Alderson. The whole argument in favour of the bill might be found in the preamble to the Act 3 and 4 William 4th, c. 82, since there was not one word in that preamble which applied to the Separatists, and which had received the sanction of the Legislature, which did not equally apply to the persons contemplated by the provisions of this bill. Was it to be said, that a member of the Church of England should be compelled to take an oath against his conscience, or should cease to belong to it if he refused? He entreated their Lordships not to deny relief to the members of the Church of England on this point, and to give the bill a second reading. The bill provided, that any party desiring to avail himself of the permission to avoid an oath should appear before two justices of the peace, and give evidence that his opinions were unfavourable to oaths, and that he must register his name previous to claiming the privilege of affirmation. If the party affirmed without going through this progress, it would be a misdemeanour, and if he affirmed falsely, he was made subject to all the penalties of perjury, as if he had sworn in the usual way.

The Duke of *Wellington* said, the noble Lord had stated it as a reason for agreeing to this bill, that several other bills of the same character had been passed. He (the Duke of Wellington) entreated their Lordships to pause, and recollect, that the foundation of all justice was truth, and that the mode of discovering truth had always been to administer an oath, in order that the witness might give his deposition under a high sanction. He hoped their Lordships would not proceed to adopt another of those bills which had been before their Lordships only a few days, and which was, in truth, nothing more than a way of enabling a witness, who thought proper to say he had conscientious scruples, to escape the solemnity of an oath. He admitted, that the inconvenience which the present state of the law produced fell rather on the community in general than the individuals, but, at the same time, he thought that by every one of those relaxations they shook the foundations of justice. This bill ought to be brought before them at a period of the Session when they could ascertain the opinions of more of the learned Members of that House than were now at hand, and also the opinion of the learned judges, if their Lordships would think it necessary to call for them. The bill, indeed, hardly went far enough, for if the principle were just, why not dispense with the previous examination altogether? But he would suggest that in any future bill it would be right to have some testimony as to the character of the person wishing not to take the oath, which would be a kind of substitute for the sanction departed from. In the mean time he should move that the bill be read a second time that day six months.

Lord *Brougham* said, that the very provision required by his noble Friend opposite was to be found in this bill. The party who had scruples against taking an oath was required to go before a magistrate, and in case the justice were satisfied, on the testimony of one or more credible witnesses, that he was a person of good character and a believer in the Christian religion, and conscientiously believed the taking of oaths to be unlawful, then he was to grant a certificate to that effect. There were some parts of the bill of which he did not altogether approve. He objected to any thing in the nature of a test, and he agreed with his noble Friend opposite, that it would be better to have the bill more extensive, and to place the recusants in general on the footing of the Quakers, Moravians, and others, dispensing with the previous examination. Heartily agreeing, however, in the principle of the measure, he should give his vote for the second reading. He was as much averse as any man could be to diminish the sanctity of the obligation to truth, on which all the administration of justice depended; but he thought this bill would leave it all the security which human institutions could confer. The experience of those who were best acquainted with courts of justice did not tend to show that those who took affirmations were less careful or scrupulous as to what they swore, or swore in a less trustworthy way, than those of their fellow citizens who continued to take oaths.

Lord *Lyndhurst* had a great aversion to this bill. The question was, whether they should allow any person who chose to say he had a conscientious scruple to taking an oath to dispose of the lives and fortunes of his fellow-subjects without the sanction of that obligation. He was not at all disposed to adopt the principle without going into a minute inquiry as to the inconveniences of the law as it at present stood. The noble Lord who moved the bill said it was full of securities against the abuse of the principle. Any person at all acquainted with the administration of justice, would see that the pretended securities were a mere mockery. The man who objected to the oath was to go before a magistrate, and call a witness to prove that he was a man of good character, and had conscientious scruples. That was entirely an *ex parte* proceeding; the magistrate would be ignorant of the parties, and would have no opportunity of sifting the evidence, so that this proceeding would be quite nugatory. If, then, the promoters of the bill thought a security necessary, and if on inquiry their Lordships found that it amounted to nothing, there was an end of the bill even on the showing of those who introduced it. The noble Lord had said, that the bill was drawn up by a learned judge. Of course, he could not suppose that any one of the learned judges could have been concerned in drawing up such a bill as this, so that that assertion he took for a mere make weight. But this was not all. The man who had a scruple against taking an oath, must, of course, have a similar scruple against calling any person into a court of justice to take an oath for him. The man, therefore, was to call another into court to do that which he considered in his own conscience ought not to be done. Such was the extravagant absurdity of this bill. Yet their Lordships were to suppose that one of the learned judges had drawn it. Again, how were the conscientious scruples of the recusant to be investigated? All that the witness could say was, that the man said he had those scruples, which meant nothing. But after the witness was examined, it was not imperative on the justice to grant a certificate. If he refused it, the consequence would be that every one would set down the man who had applied for it, as one who was not considered a man of good character or a Christian. Suppose that this unhappy man were afterwards called into a court of justice to be examined, the fact of this refusal would be conclusive against his evidence. Again, every one knew, that when an oath was prescribed in an act to be taken, it must be repeated *verbatim et literatim*, without deviation. Yet this form of affirmation given in the bill was, "I affirm and declare, *&c.*" There was only one other instance of an oath in an act of Parliament containing an "*&c.*" which had been made the subject of ridicule against the nation by historians, yet this bill was ascribed by the noble Baron to a judge of great learning, intelligence, and acuteness, who was incapable of committing such absurdities. With regard to the general question, he was unwilling to discuss it on such a bill as this, but when a less objectionable measure was introduced, he thought it might be made the subject of grave and serious consideration by a Committee up stairs.

Lord *Brougham:* Although he never said, that Mr. Baron Alderson drew this bill, he certainly considered, that it might have been drawn by any judge, without impeachment to his learning or accuracy. As to the "*&c.*" what was it? Nothing at all. It simply meant in the bill, "I affirm and declare as is here set forth," or "as follows." It was common enough in other Acts, as for instance, "justices sitting for, &c." meant "justices sitting for such a town or county." The only other observation of his noble and learned Friend worthy of notice was, that as to the person who objected to take an oath calling on another person to take one for him, which certainly had, at first sight, some plausibility. But why should not the objector call upon another man to take the oath, if that man did not share in its conscientious scruples, and had no repugnance to do so?

The Earl of *Devon* objected to introduce into the practice of our criminal proceedings evidence not on oath, unless under peculiar circumstances indeed, and in cases established after a full and deliberate inquiry. His own experience had taught him, that men would refuse to swear a falsehood which they would affirm over and over again. In those cases where relief had been afforded the class of persons were known, and a test could be applied to their religious opinions. In this case the door was opened wider, without evidence to show the necessity for it. He was always ready to bear his testimony to the scrupulous correctness of Quakers in giving their testimony; but still the principle of our criminal law was to require an oath.

Lord *Monteagle* said, his noble Friend must recollect, that they had the authority of the Legislature in favour of the bill. The Legislature had passed former bills of this kind. If the object were the discovery of truth, and if it were said, that an oath was an aid to the discovery, he (Lord Monteagle) said, that an oath against conscience was an impediment to the discovery of truth. If it were otherwise, the Legislature had done wrong, for it had abolished hundreds of thousands of oaths on the very ground, that an oath misapplied was an impediment to, and no test of, truth.

Amendment carried.

Bill put of for six months.

Law of Evidence (Scotland).] On the Order of the Day for the third reading of the Law of Evidence (Scotland),

The Earl of *Haddington* objected to the further progress of the bill, though he was aware, that he should expose himself to the fire of the great law guns in this House. The noble and learned Lord on the Woolsack had treated the opinion of the faculty of advocates very lightly; but he (Lord Haddington) had made inquiry and had found, that they had considered the report of the committee which had been rejected, only three of the learned body having voted for it. The noble Earl then went into some details respecting the law of evidence in Scotland. He proposed to the noble and learned Lord, that he should drop this bill during the present Session, and bring in another bill on this subject next Session after a full and due inquiry into it. If the noble and learned Lord would not agree to that proposition, he would move, that this bill be read a third time that day six months.

The *Lord Chancellor* advocated the propriety of passing this bill during the present Session. It had been before th House nearly all the present Session; and, if any measure could have undergone more investigation than this had, he should be obliged to the noble Earl if he would mention what that measure was. There were no grounds for the imputation, that this bill had been hurried through Parliament.

Lord *Wharncliffe* would support the amendment of his noble Friend. He thought, that his noble Friend had made out distinctly, that the Scotch bar was not prepared at this moment for the alteration proposed in the bill; he would rather therefore postpone it to the next Session, that a general consent might be procured on the part of the bar of Scotland.

Their Lordships divided on the original motion:—Contents 15; Not-Contents 11; Majority 4.

Bill read a third time and passed.

Railways.] The Earl of *Clarendon* moved the second reading of the Railways Bill.

The Marquess of *Salisbury* begged to direct the noble Earl's attention to the 16th clause, which gave, in his estimation, too extensive powers to the railway officers over persons charged with obstructing or otherwise interfering with them. These underlings were but too apt at present to exceed the powers with which they were intrusted by the law.

Lord *Wharncliffe* thought it advisable, that there should be a board of inspection, but was of opinion that there was an important omission in the 5th clause, by which the board was to be constituted. He thought, that the operation of the clause should be made retrospective, and that persons having held any office of emolument connected with any railway for the space of one year previously should be made ineligible.

The Earl of *Clarendon* thought, that it would be better to leave the responsibility in the hands of the Board of Trade.

The Marquess of *Salisbury* said, that by the 16th clause it was provided, that if any person was found trespassing upon a railway, or if any person impeded any of the officers, that officer should have the power of taking the person offending into custody and detaining him. That he thought was an extent of power with which these railway officers ought not to be intrusted. He could not think, that it was right to give an unlimited power of detaining offenders.

The Earl of *Clarendon* said, the officer must of necessity detain the offender till he could be taken before a magistrate.

The Duke of *Wellington* had often turned his attention to this subject, and be was glad that at last something was to be done. He had formerly proposed the insertion of clauses in the different railway bills which had passed the House, placing those undertakings under the control of the Government, but the course which he had proposed had not been adopted, and, in fact, the Government had done nothing in the matter. The consequence had been, that those railway companies had got a monopoly of the whole carriage along the different lines, and he was therefore happy to see, that at last a measure was proposed taking the management of those concerns into the hands of the Government. This measure, however, did not in his opinion go far enough. By the bill the Government would have the power of inspecting the rules and regulations of the different companies, but those rules and regulations were not sufficient for the management of those concerns, and there was no power given to make additional rules. There were two railways passed near his house, and he must say, that he derived no advantage from either. In fact, he had been almost obliged to establish a stage coach for his own use. Those railway companies had driven the carriers and stage coaches off the road, and but for the exertions which he and a few other gentlemen had made, the West of England would have been put to the greatest inconvenience. He must say, that the Government ought to look after the rules and regulations of railway companies as respected the carriage department, for by the present bill, as it stood, the Government would have no power to order any new regulations. He was, however, glad, that the powers of the inspectors were to be carried further, and he hoped the measure would be productive of good effect.

The Earl of *Clarendon* said, it had been proved before a committee of the House of Commons, that the railway companies had obtained a complete monopoly, and that the interference of Parliament was now absolutely necessary. A compromise however, had been made, and it had been agreed that this bill should be considered only as an experimental measure. There was, however, a clear understanding, that if the powers granted by this bill were found insufficient by the Board of Trade, further powers should at once be asked for.

The Earl of *Glengall* said, that nothing could be more scandalous than the system of the railway companies as respected carriage.

Bill read a second time.

PAROCHIAL ASSESSMENTS.] The Earl of Devon moved the second reading of the Parochial Assessments Bill, but

Lord *Portman* objected to a bill of this kind being proceeded with at so late a period of the Session, and moved that it be read a second time this day three months.

The Marques of *Salisbury* did not feel any very strong objection to this measure, but thought that at this late period of the Session his noble Friend had better withdraw it.

Second reading put off for three months.

LOAN SOCIETIES.] Lord Monteagle moved the order of the day for the House going into committee on the Loan Societies Bill, when

The Marquess of *Salisbury* said, that this bill asked their Lordships to pass an act of indemnity for all usurious acts committed by those societies up to the present time. To that he did not so much object, but he did object to the power which was asked to charge 15 per cent. upon loans. There was, however, some difficulty in fixing what the rate of interest should be, and on this point he had looked to the rate of interest fixed by loan societies in Ireland. He thought 15 per cent. too high, and he should therefore propose to reduce the rate fixed in the bill from 15 to 10 per cent. He should also propose to amend the bill further, by providing that the meetings of loan societies should not be held in public-houses.

The Duke of *Wellington* was gla dto think that the loan societies in Ireland had succeeded. Much credit was due to Mr. Bagot, of Bagot Castle, for the interest he had taken in the establishment of those bodies in that country, and he was happy to find that the example of Ireland in this particular had been followed in London.

The House in committee. Bill passed with amendments.

House resumed.

HOUSE OF COMMONS,

Tuesday, August 4, 1840.

MINUTES.] Bills. Read a first time:—Non-Parochial Registers.—Read a second time:—Bills of Exchange; Court of Chancery; Imprisonment for Debt.—Read a third time: —Consolidated Fund (Appropriation); Exchequer Bills; Dublin Police; Postage; Ecclesiastical Courts (No. 1); Linen, &c. Manufactures.

BUSINESS OF THE SESSION.] On the Order of the Day for the third reading of the Consolidated Fund Bill,

Mr. *Hume* said, he would take that opportunity of drawing the attention of the House to the conduct of that House, and to the state and feelings of the people. He exceedingly regretted the manner in which the most numerously signed petition ever presented to Parliament—that for the Charter—had been treated. Had it not been treated in that manner, he thought the present discontents would not have existed. The Reform Bill had disappointed the people. The democratic principle was not properly represented. He was of opinion that every man who paid taxes, or who was liable to be drawn in the militia, had a right to vote in the election of Members of Parliament. The prisons were now filled by persons who only sought for change in the same manner as the changes of 1832 were produced. He admitted that those who had had recourse to physical force and to the destruction of property ought to be punished; but the greater part of those now in prison were placed there for making use of seditious language, and for attending public meetings. The ministry ought to recollect their own conduct in 1832, and not press so hardly upon those who were seeking further reforms, and who were only pursuing the same course that they themselves had pursued to carry the Reform Bill. He complained that they had nothing whatever to show at the end of the Session. Nothing had been done but enormously increasing their war establishment, and the consequence was, that new taxes were obliged to be laid on the already overburdened people of this country. As the present was the last occasion on which he should have an opportunity of pronouncing his opinion upon the finances of the country, he begged to enter his protest against the policy of the Government. He feared as the House was at present constituted, it would be impossible to expect anything satisfactory from it.

Bill read a third time and passed.

ECCLESIASTICAL COURTS—JOHN THOROGOOD.] Lord J. Russell moved the third reading of the Ecclesiastical Courts Bill (No. 1).

Mr. *T. Duncombe* would take that opportunity to thank her Majesty's Government for bringing in the present bill, but he must at the same time say, that he was afraid that the bill would not effect the benevolent intention of its authors, namely, the release of John Thorogood. The bill left that dependent upon the consent of his prosecutors, and, judging from all that had taken place up to the proceedings at the last meeting at Chelmsford, he feared that this bill would avail nothing to effect the object which the House had in view.

Dr. *Lushington* thought it necessary, in vindication of himself and the proceedings that had taken place in the court over which he presided, that the House should be apprised of the course that had been taken there. Mr. Thorogood having questioned the validity of a rate, and having been summoned in the Ecclesiastical Court, thought fit not to appear. Now, under such circumstances, what was the judge bound to do in virtue of his oath? He was bound to administer the law as it stood, without the slightest reference to any other consideration. He was bound to pronounce the individual in contempt. He had no choice; and if he had refused to do so, he would have subjected himself to proceedings in other courts, for the purpose of making him do his duty, and also the censure of the public. A doubt had arisen whether, with the consent of the parties, he could release the individual. He asked those who said he had the power, to look to the statute of the 53rd George 3rd, c. 127, in which they would see that when a party was in custody for contempt, he had no power to discharge that individual, unless he had purged his contempt. But it was said another course might have been adopted, similar to that which had been pursued in the case of Mr. Baines of Leicester, which was much more merciful. Now, with respect to the mercy of that course, he would only say, that Mr. Baines had been sued for 2*l.* 12*s.* 6*d.*, and, after various proceedings, the Lord Chancellor had directed a new writ *de contumace capiendo* to issue for the 2*l.* 12*s.* 6*d.*, and 125*l.* costs, those costs being only for one side. He believed there was no well-authenticated instance of a party being released from contempt without purging his contempt.

Mr. *Hawes* said, the House ought to pronounce a strong and decided opinion upon the course that might be taken by the churchwardens of Chelmsford, as well as with regard to the proceedings of suitors in the ecclesiastical courts. Such a state of things as that mentioned by his right hon. Friend (Dr. Lushington), namely, 125*l.* costs upon a debt of 2*l.* 12*s.* 6*d.*, was a reproach to the Legislature of any country. With regard to the bill itself, it was clear that some alteration must be made. By the bill, as it stood, if the party suing refused his consent to the discharge of the prisoner, the whole of their benevolent course of legislation would be so much waste paper. He hoped, therefore, the House would leave out the last proviso of the first clause, and then the judge of the Ecclesiastical Court, if he thought that the vengeance of the law was satisfied, might, on his own mere motion, discharge the prisoner. He begged to ask, supposing the proviso to be struck out, whether Mr. Thorogood could be discharged without payment of costs, as otherwise the intention of the Legislature would not be effected?

Dr. *Lushington* said, that if the proviso were struck out, undoubtedly the judge of the Ecclesiastical Court would have absolute power to release prisoners according to his judgment and discretion. This would be a very great concession of power; and although he thought such a power might safely be conceded, in cases where the sum in question was of small amount, yet if they gave such a power in all cases, in testamentary and other cases, no one could foresee the effect. Justice might be wholly evaded in cases of the utmost importance, if they transferred to one court a power wholly incompatible with the powers conferred upon the highest courts in the kingdom.

Mr. *Briscoe*—although he could not consent to the expunction of the proviso, would be very glad to agree to any clause which should provide for the immediate release of Mr. Thorogood, upon the simple payment of the rate with costs. He hoped soon to see a change in the system of church rates altogether.

Mr. *Ewart* begged to ask his right hon. and learned Friend, whether he (Dr. Lushington) could not frame a clause, which, without giving undue power to the court, would effect the object the House had in view?

Dr. *Lushington* said, that he did not like to take upon himself to propose an alteration of that nature, without communicating with the Government. It might be done by adding these words to the bill, "in cases where the amount sued for, together with costs, has been paid into court." That would give power to release in the present instance, and would still preserve the law as it stood. The only difference would be, to give the court the power of release without the consent of the churchwardens.

Lord *G. Somerset* suggested, that it would be expedient to postpone the question till to-morrow. He thought that in the case of Mr. Thorogood, the amount of punishment had gone as far as the fault deserved, and he therefore hoped some means might be adopted by which he could be turned out of prison.

Mr. *F. Maule*—he would take the third reading of the bill then, and the further proceedings might be adjourned till to-morrow.

Bill read a third time.

INFANT FELONS.] On the motion that the report on the Infant Felons Bill be received,

Mr. *Ewart* opposed the motion. The object of this bill was, to transfer from the hands of parents to the care of a benevolent society, children who should have been convicted of crime. The bill provided, that the transfer should take place under the sanction of the Lord Chancellor; but he did not consider this a sufficient safeguard. If such a proceeding were adopted at all, it ought to be done with the sanction, and upon the responsibility of the Secretary for the Home Department; in which case that House might, by asking questions or otherwise, interpose a useful check upon the proceedings of the society.

Sir *C. Burrell* said, that the children of vicious parents would be greatly benefitted, if not altogether saved, by means of such a bill as the present, which he thought would improve the morality of the country.

Mr. *Langdale* said, that the operation of the bill was not confined to the children of vicious parents, but might be made to apply to the children of honest and industrious parents. They legislated in that House very differently for the rich and for the poor. What, however, he objected to in this bill was, that it afforded no protection for the religious education of the children, but, on the contrary, he feared that it would be made an instrument of proselytism. He should certainly oppose the bill by every means in his power.

Mr. *Hawes* said, that before this bill could come into operation, the civil rights of the infant must be forfeited by a conviction, and the court might extend that forfeiture to parental control. There was no novelty in the present measure. Several charitable institutions, by the common consent, and for the benefit of society, were, without the sanction of law, doing what this bill proposed to give the sanction of law to. It was rather too late, therefore, to raise an unfounded prejudice against this individual measure—a measure which was founded upon the whole of our penal discipline. He denied that that this bill made the slightest distinction between the children of the rich and of the poor, and he must say, that he was surprised to hear hon. Gentlemen express such great alarm at this measure.

Mr. *Estcourt* said, that the bill might operate cruelly to both parents and children in certain cases. He objected to power being given to the Lord Chancellor, or any other authority, to deprive parents of the care of their children without their own consent.

Sir *C. Grey* said, that some objections to the meaaure might be got rid of, if the judge who should try the child should have power to order that, after the period of confinement, the child should, for a certain period, be placed under the care of this society. For his own part, however, he must say that he would prefer an enquiry before the Lord Chancellor; but he thought it desirable to introduce a clause into the bill to prevent these children from being subtracted from the jurisdiction of the Lord Chancellor without special notice and application.

Mr. *Briscoe* hoped that the bill would be allowed to stand over to the next Session of Parliament, because he thought that it must be admitted, that it was not in a fit condition to be adopted. The bill was so opposed in every respect to justice and humanity, that he should feel it his duty to join the hon. Member for Knaresborough to offer every opposition to it in his power.

Mr. *Fox Maule* said, he should throw the responsibility of rejecting the bill upon the House, because he conceived that this, above all other measures which had ever been introduced with the same object, was calculated to produce benefit to the poorer classes. He was ready to assent to the amendment of the right hon. Gentleman the Member for Tynemouth.

Lord *Granville Somerset* was of opinion that this bill was calculated to carry the principle of punishment beyond that point which was contemplated by the law. He conceived that great injustice would be done to poor persons living in distant districts, who would have no means of resisting any steps which were taken to put its enactments into operation.

The House divided: Ayes 40; Noes 5: Majority 35.

List of the AYES.

Aglionby, H. A.
Ashley, Lord
Bellew, R. M.
Berkeley, hon. H.
Brotherton, J.
Burrell, Sir C.
Cowper, hon. W. F.
Easthope, J.
Eliot, Lord
Euston, Earl of
Ferguson, Sir R. A.
Fitzroy, Lord C.
Gordon, R.
Harcourt, G. G.
Hector, C. J.
Hindley, C.
Hoskins, K.
Hume, J.
Labouchere, rt. hn. H.
Lushington, rt. hn. S.
Lynch, A. H.
Morris, D.
Muntz, G. F.
Muskett, G. A.
Oswald, J.
Parker, J.
Pattison, J.
Philips, M.
Protheroe, E.
Rutherfurd, rt. hn. A.
Seymour, Lord
Smith, B.
Somers, J. P.
Stewart, J.
Stock, Dr.
Style, Sir C.
Thornely, T.
Warburton, H.
Wood, B.
Yates, J. A.

TELLERS.
Maule, hon. F.
Sheil, rt. hn. R. L.

List of the NOES.

Estcourt, T.
Ewart, W.
Irton, S.
Lowther, J. H.
Somerset, Lord G.

TELLERS.
Briscoe, J.
Langdale, hon. C.

Report received.

EMPLOYMENT OF CHILDREN.] Lord *Ashley* spoke as follows:* It is, Sir, with feelings somewhat akin to despair, that I now rise to bring before the House, the motion of which I have given notice. When I consider the period of the Session, the long discussions that have already taken place to-day, the scanty attendance of Members, and the power which any Member possesses of stopping me midway in my career, I cannot but entertain misgivings, that I shall not be able to bring, under the attention of the House, this subject, which has now occupied so large a portion of my public life, and in which are now concentrated, in one hour, the labours of years. Sir, I must assure the House, that this motion has not been conceived, nor will it be introduced, in any hostile spirit towards her Majesty's Ministers; quite the reverse. I do indeed trust, nay more, I have reason to believe, that I shall obtain their hearty and effectual support. Sir, I know well that I owe an apology and an explanation to the House for trespassing on their patience at so late a period—my explanation is this: I have long been taunted with narrow and exclusive attention to the children in the factories alone; I have been told, in language and writing, that there other cases fully as grievous, and not less numerous; that I was unjust and inconsiderate in my denouncement of the one, and my omission of the other. I have, however, long contemplated this effort which I am now making; I had long resolved that, so soon as I could see the factory children, as it were, safe in harbour, I would undertake a new task. The committee of this Session on mills and factories, having fully substantiated the necessity, and rendered certain the amendment of the law, I am now endeavouring to obtain an inquiry into the actual circumstances and condition of another large part of our juvenile population. Sir, I hardly know whether any argument is necessary to prove that the future hopes of a country must, under God, be laid in the character and condition of its children; however right it may be to attempt, it is almost fruitless to expect, the reformation of its adults; as the sapling has been bent, so will it grow. To ensure a vigorous and moral manhood, we must train them aright from their earliest years, and so reserve the full development of their moral and physical energies for the service hereafter of our common country. Now, Sir, whatever may be done or proposed in time to come, we have, I think, a right to know the state of our juvenile population; the House has a right, the country has a right. How is it possible to address ourselves to the remedies of evils which we all feel, unless we have previously ascertained both the nature and the cause of them? The first step towards a cure is a knowledge of the disorder. We have asserted these truths in our factory legislation; and I have on my side, the authority of all civilized nations of modern times; the practice of this House; the common sense of the thing; and the justice of the principle. Sir, I may say with Tacitus, "*opus adgredior, opimum casibus . . . ipsâ etiam pace sævum:*" to give but an outline of all the undertaking, would occupy too much of your time and patience; few persons, perhaps, have an idea of the number and variety of the employments which demand and exhaust the physical energies of young children, or of the extent of suffering to which they are exposed. It is right, Sir, that the country should know at what cost its pre-eminence is purchased,

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* From a corrected report.

> "Petty rogues submit to fate,
> That great ones may enjoy their state."

The number I cannot give with any degree of accuracy, though I may venture to place them as many-fold the numbers of those engaged in the factories—the suffering I can exhibit, to a certain degree, in the documents before me. Sir, I will just read a list of some of these occupations, as many as I have been able to collect; but I will abstain from entering into detail upon every one of them: I will select a few instances, and leave the House to judge of the mass, by the form and taste of the sample. Now, this is a list of some of the occupations in which I find them engaged (I have not, by any means, a full statement); and in which the employment is both irksome and unhealthy:—

> "Earthenware, porcelain, hosiery, pin-making, needle-making, manufacture of arms, nail-making, card-setting, draw-boy-weaving, iron-works, forges, &c., iron foundries, glass trade, collieries, calico-printing, tobacco manufacture, button factories, bleaching, and paper-mills."

Now, Sir, will the House allow me to set before them, in a few cases, the evidence I have been able to obtain illustrative of the nature and effects of these several departments of industry? The first I shall take is the manufacture of tobacco, a business of which, perhaps, but little is generally known; in this I find that—

> "Children are employed twelve hours a-day. They go as early as seven years of age. The smell in the room is very strong and offensive. They are employed in spinning the twist tobacco; in the country, the children work more hours in the day, being frequently until nine and ten o'clock at night. Their opportunities for education are almost none, and their appearance altogether sickly."

The next department I shall take is that of bleaching. In bleaching—

> "Children are employed at eleven, and oftentimes younger. They go to work at any time of the day or night, when they have a deal of work. The same children labour all night for two or three nights in a week. Their opportunities for education very few, except in a Sunday school."

Now, here let the House observe the extent of toil and of watchfulness oftentimes imposed on children of very tender years. During two or three nights in a week, they are deprived altogether of their natural rest; a demand so severe on the bodily powers, that, when exacted of the police and soldiery of this metropolis, it has been found most pernicious to their physical constitution. From the Potteries, Mr. Spencer (a factory commissioner) reported, in 1833:—

"The plate-makers of most works employ boys, often their own, to be their assistants; their occupation is to remove the plates to the drying houses, which are heated to 120 degrees; and in this occupation, in which the boy is kept on the run, he is laboriously employed from six o'clock in the morning till seven in the evening, excepting the intervals of breakfast and dinner. (Again), In other works some of the children called cutters, in attendance upon the printer, appear to me to suffer from a prolonged attendance at the factory. They are compelled to attend in the morning an hour before the printer, to light fires and prepare his apartment, and often wait in the evening for some time after the rest have departed, to prepare for the ensuing day. (Again), When there is a fair demand, the plate-makers and their assistants, work three or four nights per week till ten, and sometimes as late as eleven."

Sir, I will proceed. On the subject of Draw-boy-weaving, Mr. Horner and Mr. Woolriche reported from Kidderminster in 1833:—

"Every weaver of Brussels carpeting must have an assistant, called a drawer, who is usually a boy or girl; few are taken under ten years of age; the working hours are extremely irregular; this irregularity tells very severely on the drawers, who must attend the weaver at whatever time he is at work; they are often called up at three and four o'clock in the morning, and kept on for sixteen or eighteen hours."

With respect to the iron foundries I have not obtained any evidence; though much, I am sure, would be derived from an investigation of this department. As to iron mines, it will be unnecessary to do much more than simply refer the House to a report from the mining districts of South Wales, by Mr. Seymour Tremenheere, the Government-inspector, dated February, 1840, and published in the extracts from the proceedings of the Board of Privy Council on the matter of education. I will, however, take the liberty to read one or two extracts:—

"Parents, (says the Inspector), if they send their children at all to school, seldom do so for many months at a time. They are liable to be away whenever the father has not earned as much as usual, or has spent more. They think instruction of any kind very little necessary for the girls. The boys are taken into the coal or iron mine at eight or nine years old."

Elsewhere he says:—

"Hence the custom of taking their children of seven years old, to sit for eight and ten hours a day in the mine; it is certain from the time he (the child) enters the mine, he learns nothing more there than to be a miner."

Now let the House hear the consequences of this defect of education—the result of this overwork in the first years of life:—

"They leave their homes at an early age, and they spend the surplus of their wages in smoking, drinking, and quarrelling. Boys of thirteen will not unfrequently boast that they have taken to smoking before they were twelve. Early marriages are very frequent. They take their wives from the coke hearths, the mine, and coal-yard, having had no opportunities of acquiring any better principles or improved habits of domestic economy, and being in all other respects less instructed than their husbands."

As to the frame-work-knitters, a department of the lace trade, nothing can be worse or more distressing. Mr. Power, a factory commissioner, wrote from Nottingham, 1833:—

"A great proportion of the population of the county of Leicester is employed in the frame-work-knitting; of this number more than one-half, probably two-thirds, are young persons between the ages of six and eighteen; that they work an inordinate number of hours daily; that the hours of work of the young persons are, for the most part, commensurate with those of the older class; that the occupation is pursued in very low and confined shops and rooms, and that the hours of labour are sixteen in the day. With regard to the state of health of men, women, and children employed, their habits of work and subsistence are more destructive of health, comfort, cleanliness, and general well being, than any state of employment into which I have had at present an opportunity of inquiring. Mr. Macaulay, a surgeon of great talent and experience at Leicester, observed to me, that scarcely any of them of long-standing in the trade were quite sound in constitution."

Sir, there is another department of industry called card-setting, in which children are employed to make part of the machinery of the cotton-mills. In answer to some questions I put to a gentleman resident in the neighbourhood of some card-setting establishments, he says:—

"Children are employed from five years old and upwards; their length of labour extends from five or six o'clock in the morning to eight at night."

I will now, Sir, exhibit the state of the collieries, and I cannot well imagine any thing worse than these painful disclosures. In reference to this, I will read an abstract of evidence collected from three witnesses by Mr. Tuffnell, in 1833:—

"Labour very hard, nine hours a-day regularly, sometimes twelve, sometimes above thirteen hours; stop two or three minutes to eat; some days nothing at all to eat, sometimes work and eat together; have worked a whole day together without stopping to eat; a good many children in the mines, some under six years of age; sometimes can't eat, owing to the dust, and damp, and badness of the air; sometimes it is as hot as an oven, sometimes so hot as to melt a candle. A vast many girls in the pits go down just the same as the boys, by ladders or baskets; the girls wear breeches; beaten the same as the boys; many bastards produced in the pits; a good deal of fighting amongst them; much crookedness caused by the labour; work by candlelight; exposed to terrible accidents; work in very contracted spaces; children are plagued with sore feet and gatherings." "I cannot but think, (says one witness), that many nights they do not sleep with a whole skin, for their backs get cut and bruised with knocking against the mine, it is so low. It is wet under foot; the water oftentimes runs down from the roof; many lives lost in various ways; and many severely injured by burning; workers knocked up after fifty." "I cannot much err, (says Mr. Commissioner Tuffnell), in coming to the conclusion, both from what I saw, and the evidence of witnesses given on oath above, that it must appear to every impartial judge of the two occupations, that the hardest labour, in the worst room, in the worst conducted factory, is less hard, less cruel, and less demoralizing, than the labour of the best of coal mines."

Now, Sir, the next is a trade to which I must request the particular attention of the House. The scenes it discloses are really horrible; and all who hear me will join in one loud and common condemnation. I speak of the business of pinmaking. Several witnesses in 1833 stated that:—

"It is very unwholesome work; we do it near the wire-works, and the smell of the aquafortis, through which the wire passes is a very great nuisance. Children go at a very early age, at five years old, and work from six in the morning till eight at night. There are as many girls as boys."

One witness, a pin-header, aged twelve, said:—

"I have seen the children much beaten ten times a-day, so that with some the blood comes, many a time; none of the children where I work can read or write."

Another witness said:—

"It is a sedentary employment, requiring great stress upon the eyes, and a constant motion of the foot, finger, and eyes."

This is fully confirmed in a letter I have just received; there it is stated:—

"Eye-sight is much affected, the overseers of the poor have sent many cases of this nature to the eye institution of Manchester." "Each child (reports Mr. Commissioner Tufnell), is in a position continually bent in the form of the letter C, its head being about eight inches from the table. My inquiries (he adds), fully corroborated the account of its being the practice of parents to borrow sums of money on the credit of their children's labour, and then let them out to pin heading till it is paid. One woman had let out both her children for ten months, and another had sold her's for a year."

Now I must entreat the attention of hon. Members to this system of legalized slavery; and I cannot better invite it, than by reading an extract from a letter which I have lately received:—

"You also know (says my informant), the practice of the masters in securing the services of these little slaves. One man in this town employs from four to five hundred of them. A very ordinary practice is, for the master to send for the parents or guardians, offer them an advance of money, an irresistible temptation, and then extract a bond, which the magistrates enforce, that the repayment of the loan shall be effected through the labour of the child. A child of tender age can rarely earn more than from 9*d.* to 1*s.* a-week. Thus the master becomes bodily possessor of the children as his *bonâ fide* slaves, and works them according to his pleasure."

And now mark this;—

"If he continues, with the employment to pay wages, and keep the loan hanging over the head of the parents, who do not refuse to take the wages, yet cannot repay the loan, the master may keep possession of the child as his slave, for an indefinite time. This is done to a great extent; the relieving-officer has tried in vain to break through the iniquitous practice; but it seems that the magistrates have not power to do it."

Now, Sir, may I ask, is this not a system of legalized slavery? Is not this a state of things which demands the interposition of Parliament, or at least an investigation, that we may know to what an extent these horrid practices have been carried? Surely the House will not now be astonished at the concluding remark of Mr. Tuffnell's report:—

"Knowing (says he), the cruelties that are sometime practised, in order to keep those infants at work, I was not surprised at being told by a manufacturer, that he had left the trade, owing to the disgust he felt at this part of the business."

Let me conclude this branch of the subject by an extract from a letter descriptive of these works:—

"These children are collected in rooms varying in size, height, and ventilation; the filthy state and foul atmosphere of some of these places is very injurious to the health of the children—they are filled to a most unwholesome extent. No education during the week, and very few go to a Sunday-school. I can only tell you, that from my own observation of the effect of the trade as now carried on, I do not hesitate to say, that it is the cause of utter ruin, temporal and spiritual, to eight out of every ten children that are employed in it."

This, Sir, is the language of a gentleman of great experience, and very conversant too with the temporal and spiritual condition of the poorer classes of whom he is speaking. Sir, the next and last trade which I shall now describe, is the calico printing; a business which demands the labour of several thousand children. Mr. Horner, in an admirable pamphlet, which he has recently published, on the subject of infant labour, both at home and abroad, says:—

"It is by no means uncommon for children to work as teer-boys as early as six and seven years of age, and sometimes as young as five. Children of six, seven, and eight years old, may be seen going to work at"—

What hour will the House think? at what hour of a winter's night? or at what hour of the night at all? Why, he proceeds:—

"At twelve o'clock of a winter's night, in large numbers, sometimes having to walk a mile or two to the works. When they are twelving, the first set goes at twelve o'clock in the day, and works till twelve at night. Sometimes they do not send away those who have worked from twelve in the day to twelve at night, but let them sleep a few hours in the works, and then set them on again. There is no interval for meals in the night set, except breakfast, the children taking something with them; and even their breakfast is taken at the works. The custom of taking their meals in the works is very injurious, for they do not wash their hands, and they consequently sometimes swallow deleterious colouring matter."

A person, whose name is not given, states, that:—

"Being frequently detained in his counting-house late at night, till twelve or one o'clock, he has often, in going home in the depth of winter, met mothers taking their children to the neighbouring printworks, the children crying."

All this I can confirm and exceed, by the statements of a letter I hold in my hand, from a medical gentleman, living in the very centre of print works. I wish there were time to read the whole of it, but I fear I have already fatigued the House by the number of my extracts:—

"Many children (he writes), are only six years of age; one-half of them, he believes, are under nine; the labour of children is not only harder, but of longer duration. During night-work the men are obliged to shake their teerers to keep them awake, and they are not seldom aroused by blows. This work is very fatiguing to the eyes; their sight consequently fails at a very early age. They have to clean the blocks; this is done at the margin of the brook, on which the works stand. I often see these little creatures standing up to the calves of their legs in the water, and this, even in the severest weather, after being kept all day in rooms heated to a most oppressive degree. The injurious effect of this close and heated atmosphere is much aggravated by the effluvia of the colours; these are in most cases metallic salts, and . . . . very noxious. The atmosphere of the room is consequently continually loaded with poisonous gases of different kinds."

Sir, these are a few facts, and only a few, of the many that I could adduce for your consideration, were I not afraid of being wearisome to the House. But I think I have sufficiently proved, that there prevails a system of slavery under the sanction of law; that parents sell the services of their children, even of the tenderest years, for periods of long and most afflicting duration; that, in many instances, children of not more than five or six years old are employed in these trades from twelve to sixteen hours a-day, of course deprived of all means of education, while their health is undermined, or utterly destroyed. If the inquiry I move for be granted, it will develope, I am sure, cases far more numerous, and quite as painful, as those I have been able to produce. Now, Sir, I may be called upon to suggest a remedy; Sir, I am not yet prepared to do so, but I will state my objects, and the motives of my proposition. My first and great object is to place, if possible, the children of this land in such a position, and under such circumstances, as to lay them open to what Dr. Chalmers would call "an aggressive movement" for education; to reserve and cherish their physical energies, to cultivate and improve their moral part, both of which, be they taken separately or conjointly, are essential to the peace, security, and progress of the empire. Sir, we have had the honour of setting the example in these things, and other nations of the world have begun to follow that example; we must not now fall back into the rear, and become the last where once we were first. Sir, I have here a most valuable document, for which I am indebted to the kindness of that distinguished Frenchman, the Baron Charles Dupin; it is the Report of a Commission of the Chamber of Peers, dated February, 1840, on the propriety, nay, the necessity, of extending the protection of the laws to the young and helpless workers in all departments of industry.

"What is the state of morality, (says the document, among the young children employed in the workshops?)—None at all; everywhere there is want. It is a curious fact, (the reporter adds), that the immorality seems to be greatest in those very places where the children are admitted into the workshops at the earliest ages."

Now let the House pay attention to what follows.

"We were desirous of ascertaining the amount of difference in force and physical power between parties which had respectively attained the age of manhood in the parts of France most devoted to agriculture, and those where manufacturing industry is more generally diffused. The councils of revision in the recruiting department exhibited the following facts:—For 10,000 young men capable of military service, there were rejected as infirm or otherwise unfit in body, 4,029 in the departments most agricultural; for 10,000 in the departments most manufacturing there were rejected, 9,930."

The reporter then proceeds to speak in detail.

"There were found, (he says) for 10,000 capable of military service, in Marne 10,309 incapable; in the Lower Seine 11,990 incapable; in L'Eure 14,451 incapable."

After such a statement as this, will not the House be prepared to concur in his closing observation:—

"These deformities cannot allow the Legislature to remain indifferent; they attest the deep and painful mischiefs, they reveal the intolerable nature of individual suffering, they enfeeble the country in respect of its capacity for military operations, and impoverish it in regard to the works of peace. We should blush for agriculture, if in her operations she brought, at the age adapted to labour, so small a proportion of horses or oxen in a fit state for toil, compared with so large a number of infirm or misshapen."

Doubtless, Sir, if we could conduct the same investigation (which, I fear, we have not the means of doing), we should obtain, in respect of the greater extent, and longer prevalence of these trades among us, far more distressing results;—this report, I must say, is most honourable to the Chamber of Peers, most honourable to the Baron Dupin, and it will be honourable to the French nation, if they adopt the advice, and enact the provisions suggested by these wise and excellent statesmen. Sir, I next desire to remove these spectacles of suffering and oppression from the eyes of the poorer clases, or at least to ascertain if we can do so: these things perplex the peaceable, and exasperate the discontented; they have a tendency to render capital odious, for wealth is known to them only by its oppressions; they judge of it by what they see immediately around them; they know but little beyond their own narrow sphere; they do not extend their view over the whole surface of the land, and so perceive and understand the compensating advantages that wealth and poverty bestow on the community at large. Sir, with so much ignorance on one side, and so much oppression on the other, I have never wondered that perilous errors and bitter hatreds have prevailed; but I have wondered much, and been very thankful that they have prevailed so little. Again, Sir, this inquiry is due also to the other branches of trade and manufacture, which are already restricted in their employment of children by the acts of the Legislature—it is requisite we should know how far the exception operates unfavourably on the restricted trades, and how far it impedes the full development of the protective principles of existing laws. Manufacturers, I know, loudly complain, and I think with some reason. A respectable mill-owner in the West Riding of Yorkshire writes to me.

"When the cotton trade is brisk, we find the demand for young persons to set cards so great, that hands are with difficulty obtained for woollen-mills in this neighbourhood."

The House will with difficulty believe, for how minute an addition to the daily wages, parents will doom their children to excessive labour.

"The proprietor of a large cotton-mill told me, (says Mr. Horner,) that they suffer severely from the neighbouring printworks carrying off the children under thirteen years of age, where they employ them at any age and any number of hours; that they would gladly employ two sets of children, each working half a day, both for the sake of their work, and for the sake of the children themselves, that they might be more at school, and have more play, but that they cannot get them, as the printworks carry them off."

No doubt, Sir, provisions still more beneficial to the children, and more convenient to the mill-owners, might be introduced, under a more wide-spread system of restriction—the supply of hands for moderate toil would be increased, and more work would be done, at far less expense of health and happiness. Sir, I next propose by this inquiry, and the remedy which may follow, to enlarge the sphere of safe and useful employments. How many are there now, to which no one of principle or common humanity would consign the children! by this excessive toil, moreover, one unhappy infant does the work of two; redress this grievance, and you will have opened a comparatively safe and healthy career to twice as many children as can now be employed. I have heard, on the authority of the Poor-law Commissioners, that they have now under their guardianship more than 30,000 children, for whom they must provide a calling; they hesitate, and most laudable is their hesitation, to consign these helpless infants to such a destiny; why, will the House listen to a statement I received only a few mornings ago? it is well worthy of your attention, as showing how this system has proceeded to so frightful an extent, that even persons, whose interest it is to get rid of the children, shrink from the responsibility of exposing them to its horrors.

"I have now, (says my informant), made more minute inquiry into this business of wholesale demoralization. I have examined the relieving-officer of the board of guardians. He assures me, that he has rarely known an instance of children in a family turning out respectable members of society, who have been brought up in pin-shops; that the board of guardians have been obliged to give up the sending children from the poor-house to the pin-works, on account of the invariable consequences of it—the entire corruption of the children; and that children, once contaminated in these works, very rarely are found worth having in factories or elsewhere."

Now, Sir, if this be the case; if the children be thus contaminated by the employment of their earliest years; if they really become not worth having in factories or elsewhere, what kind of citizens will they make in after life? what has this country to hope for in their peaceful obedience or beneficial activity? Next, Sir, I hope to trace some of the secret and efficient causes of crime and pauperism; and by learning the causes, to ascertain the remedy. It is very curious and very instructive to observe how we compel, as it were, vice and misery with one hand, and endeavour to repress them with the other; but the whole course of our manufacturing system tends to these results: you engage children from their earliest and tenderest years in these long, painful, and destructive occupations; when they have approached to manhood, they have outgrown their employments, and they are turned upon the world without moral, without professional education; the business they have learned, avails them nothing; to what can they turn their hands for a maintenance? the children, for instance, who have been taught to make pins, having reached fourteen or fifteen years of age, are unfit to make pins any longer; to procure an honest livelihood then becomes to them almost impossible; the governors of prisons will tell you, the relieving-officers will tell you, that the vicious resort to plunder and prostitution; the rest sink down into a hopeless pauperism. Again, Sir, intemperance, the besetting sin of England, and the cause of many of its woes, is itself the result, in many cases, of our system of labour; just hear the effects of it in one department. The letter I shall quote, refers, it is true, to calico-printing only; it furnishes, nevertheless, a very good example of the effects of that unhealthy and prolonged toil I have endeavoured to describe.

"The most prominent evil, (says the writer,) is the excitement to habits of intoxication. The heated atmosphere in which they work, and the profuse perspiration, occasion a burning thirst; and the mouth and throat are often so parched, as to cause a very distressing sensation; they drink excessively: on leaving their highly-heated workshops, they feel disagreeably chilled, and relieve it by taking spirits. A tendency to drunkenness is thus produced; the drunkenness, gambling, and vicious habits of the men, are imitated by too many of the children."

Imitated by the children, to be sure they are—but such is our system; we not only withdraw them, when young and pliable, from the opportunities, at least, of doing good, but we thrust them, unwatched and uncared for, into dens of vice, and misery, and crime.—I should indeed be glad to read the whole of this admirable letter, but I have already trespassed too long on the indulgence of the House. These things, Mr. Speaker, at all times worthy of deep and anxious consideration, are now ten-fold so, when we remember the vast and rapid tendency there is in the present day to multiply infant labour, to the exclusion of that of adults; the House is, perhaps, but little aware of the mighty progress that has been made during the last fifteen years, towards the substitution of the sinews of the merest children for the sinews of their parents. Lastly, Sir, my object is to appeal to, and excite the public opinion; where we cannot legislate, we can exhort, and laws may fail, where example will succeed. I must appeal to the bishops and ministers of the Church of England, nay, more, to the ministers of every denomination, to urge on the hearts of their hearers, the mischief and the danger of these covetous and cruel practices; I trust they will not fall short of the zeal and eloquence of a distinguished prelate in a neighbouring country, who, in these beautiful and emphatic words, exhorted his hearers to justice and mercy:

> "Open your eyes, (says the Prince Archbishop,) and behold; parents and masters demand of these young plants to produce fruit in the season of blossoms. By excessive and prolonged labour they exhaust the rising sap, caring but little that they leave them to vegetate and perish on a withered and tottering stem. Poor little children! may the laws hasten to extend their protection over your existence, and may posterity read with astonishment, on the front of this age, so satisfied with itself, that in these days of progress and discovery, there was needed an iron law to forbid the murder of children by excessive labour."

This is language worthy of the compatriot of Massillon and Fenelon. It is the language of the primate of Normanby, uttered in the cathedral of Rouen, " that country of France," says M. Dupin, " in which the early labour of children has produced the greatest evils." Sir, I must say, from the bottom of my heart, that it is not a little agreeable, amid all our differences of opinion and religious strifes, to find one common point, on which we can feel a mutual sympathy, and join together in harmonious action. And now, Sir, to conclude this long, and, I fear, wearisome address—my first grand object, as I have already said, is to bring these children within the reach of education; it will then be time enough to fight about the mode. Only let us exhibit these evils—there is wit enough, experience enough, activity enough, and principle enough in the country, to devise some remedy. I am sure that the exhibition of the peril will terrify even the most sluggish, and the most reluctant, into some attempt at amendment; but I hope for far better motives. For my own part I will say, though possibly I may be charged with cant and hypocrisy, that I have been bold enough to undertake this task, because I must regard the objects of it as beings created, as ourselves, by the same Maker, redeemed by the same Saviour, and destined to the same immortality; and it is, therefore, in this spirit, and with these sentiments, which, I am sure, are participated by all who hear me; that I now venture to entreat the countenance of this House, and the co-operation of her Majesty's Ministers; first to investigate, and ultimately to remove, these sad evils, which press so deeply and so extensively on such a large and such an interesting portion of the human race. I will, therefore, Sir, with very sincere thanks to the House, for the patience with which they have heard me now move,,—

> " That an humble Address be presented to her Majesty, praying that her Majesty will be graciously pleased to direct an inquiry to be made into the employment of the children of the poorer classes in mines and collieries, and in the various branches of trade and manufacture in which numbers of children work together, not being included in the provisions of the acts for regulating the employment of children and young persons in mills and factories, and to collect information as to the ages at which they are employed, the number of hours they are engaged in work, the time allowed each day for meals, and as to the actual state, condition, and treatment of such children, and as to the effects of such employment, both with regard to their morals and their bodily health."

Mr. *Brotherton* seconded the motion. He felt grateful to the noble Lord for the exertions he had made to ameliorate the condition of our juvenile population employed in manufactories. He did not think there was any necessity for overworking them, or any other class of the operatives in this country. It was highly creditable to this country that they had directed their attention to legislation for those employed in the mills and manufactories; and other nations, he was glad to say, had followed their example. He had recently received a communication from the United States intimating that the American President had issued an order that all persons employed in the public works should be restricted in their labour to ten hours a-day; and resoluions had been passed by the operatives in different parts of the country conveying a vote of thanks to the President for his humane, politic, and wise interference. The inquiry proposed by the noble Lord would show the necessity there was for legislation in order to promote the general welfare of the working classes. In that respect he anticipated great good would result from the labours of the commission; he, therefore, most cordially seconded the motion.

Mr. *Fox Maule* could not proceed to state his opinion with respect to this motion without expressing, as an individual, his grateful thanks to the noble Lord for the manner in which he had introduced this subject, and for the appeal which he had made on behalf of those children, in language which he knew not whether to admire most for its simplicity or the kindliness of feeling which it evinced. So far from opposing this motion, her Majesty's Government would give every assistance to the noble Lord in carrying out the object which he had in view. It was possible that in that House some Members might object that the Government were eager to seize the opportunity of issuing another commission; but he could assure the House that not only should the whole investigation of the subject be most fully and fairly conducted, but every means should be taken to use the present force at the disposal of the Government so as to make the inquiry as economical as possible. He agreed with the noble Lord that if they looked to the permanent interests of this country, they must pay especial regard to the physical and moral condition of the young amongst the lower classes. Since the last census, he believed that the population of this country had increased by about one-third; and those increasing numbers ought to warn them more especially that, within the narrow limits of this island, the only means of preserving order and good conduct was to look to the training, both mental and physical, of the young and rising generation. For that purpose, nothing was so essential as an intimate knowledge of the manner in which their early years were spent: and it was a melancholy fact that their present distressing situation was to be traced no more to the cupidity of the masters than to the conduct of the parents themselves. It was, however, their duty to protect those children against the tyranny of their parents, and against the temptations to which they were subject; and, therefore, in this inquiry, though they would be interfering between parent and child, it was to be remembered that, from the report of the factory commissioners, that had been proved to be necessary. It would be premature now to advert to the result of the inquiry; but that ultimately some legislative measure on the subject must be adopted, he was thoroughly convinced. In the same manner, as his noble Friend had taken that opportunity of appealing to all authorities to assist him, he would express a hope that, as in the conduct of such inquiries much depended upon the readiness with which information was furnished, every person who read the statement of the noble Lord would give his mind to the state of things there described, and feel it his duty to assist those commissioners, whoever they might be; and on the part of the Government he gave this pledge to his noble Friend and to the House, that they would make the inquiry as full, complete, and early as possible. This inquiry would bring to light the state of the working classes, and he was certain that the utmost benefit would result from it.

Mr. *Villiers* thought the motion might be useful, and it was creditable to the noble Lord to have proposed it. Its chief utility, however, would be not merely to bring to light facts connected with the bad condition of the working classes, but that it would lead to active and general inquiry as to the causes of that condition, and of the evils to which the noble Lord had pointed; and as the circumstances influencing the character and condition of the great body of the working classes were connected with the security, happiness, and prosperity of the country, no inquiry could be more important. So far he valued the motion of the noble Lord; and it would not be to qualify what had been said of his motives in bringing it forward, if he observed that the noble Lord had not taken so wide a view of the matter as the subject suggested. The noble Lord appeared satisfied with referring to the hardships, the habits, and the vices of certain classes of the poor, and he seemed to expect that these could be checked by legislating for them directly. Now, certainly, he thought this stopped far short of what was required. He feared that too many of these evils were necessarily connected with the circumstances under which the laws themselves placed the poor and industrious classes in this country, and mere legislation for symptoms, without attacking the cause of disease, would be of little avail. He believed that much of that criminality and cruelty which the noble Lord would prevent, sprang from causes over which the poor had little control, he meant from poverty and necessity, arising from a dearth of employment, and the difficulty they had in consequence to procure what was essential to life, without sacrificing their health and all comfort and leisure. They were now living crowded together in bad habitations, in populous places where slackness of trade and increasing numbers create a fearful competition among them for employment; and their wages being reduced, bread and provisions of all kinds were cruelly enhanced to them in price. Surely, then, it was more natural to refer to such causes the practices mentioned by the noble Lord, than any natural disregard for the moral or physical condition of their children. indeed, if parents did bring their children into market as it were, for sale, with no thought but what their premature labours would fetch, was not that another proof of the miserable condition of such parents? It was, indeed, one of the most unfortunate consequences to the poor, of being compelled to pay the present inordinate price for provisions, that they were actually compelled to withdraw their children from school when they might be receiving that moral culture which the noble Lord so justly thinks essential to their future well-being. Numerous instances of this kind had been communicated to him, of parents withdrawing their children from school, because they could not afford, either at the present price of provisions to pay for their schooling, or were not able to spare the time of those children, which was required to procure for the family the means of support. He ventured to say, that if commissioners for this inquiry were appointed, they would hear amongst the first things, that it was one of the effects of the laws that thus artificially enhanced the price of food, and which lately had so seriously impaired the trade, that all the evils to which the noble Lord had directed their attention had greatly increased, and that habits of prudence among the poor, and of providing education for their children, had been greatly shaken by the absorbing effects of their sad physical condition. If this, then, were the case, it surely was a more important subject to consider in what way the Legislature could extend the trade, increase the demand for labour, and give the people more ready access to all the necessaries and comforts of life, for until they had more leisure and more time for instruction and mental improvement, they would neither be raised in character, nor be in any way morally changed. However, as he said before, as the noble Lord's motion might tend to elicit information and secure for the condition of the working class a larger share of the public attention than it had hitherto obtained, and as it might ultimately lead to the change of those laws which have reduced them in condition, he should cordially give it his support.

Mr. *Hume* concurred in the remarks of his hon. Friend who had just sat down. No man could hear the statements of the noble Lord without regretting that, in a Christian country, such a picture could be drawn. But he wished the noble Lord to go to the causes of the evils he had described. One was the want of proper remuneration for the labour of the parents. If parents could earn enough, the common feelings of humanity would prevent their employing their children as they now did. But did the noble Lord recollect that he was himself one of those who kept restrictions on the food of man, who limited the supply of bread to the working classes? The noble Lord complained of their poverty, but seemed to think that the exclusion of cheap corn did them no harm. He hoped that the result of this inquiry would be to induce the Government to come forward early in the next Session with a bill for the repeal of those starvation laws.

Dr. *Nicholl* said, he came from a part of the country where the people had adequate wages about the iron works. Constant wages of 30*s.* 35*s.* and even 40*s.* and 50*s.* a-week. Carpenters had from 6*s.* to 7*s.* a day, and masons from 5*s.* to 6*s.*, and yet the children in that district were employed at laborious work, and for an immense number of hours. He could state further, from his knowledge of the neighbourhood, that before the manufacture of iron was introduced, there had been a large number of children attending the National School, but since the rise of wages caused by those works, a great number of the children had been withdrawn from school in order to be employed.

Motion agreed to.

HEALTH OF TOWNS.] Mr. *Mackinnon* rose to call the attention of the House to the Report of the Select Committee on the health of towns, when—

House counted out.

HOUSE OF LORDS,

Wednesday, August 5, 1840.

MINUTES. Bills. Read a first time:—Highway Rates; Administration of Justice (Birmingdam); Ecclesiastical Courts (No. 1); Stock in Trade (No. 2).—Read a second time:—Exchequer Bills; Consolidated Fund.—Read a third time:—Marriages Act Amendment.

MUNICIPAL CORPORATIONS (IRELAND).] Viscount Morpeth and others requested, in the name of the Commons, a conference with their Lordships, on the subject of certain amendments which had been made in the Municipal Corporations (Ireland) Bill.

Conference held, when the Commons delivered reasons for not agreeing to certain amendments made in the bill by the Lords. Reasons to be printed and taken into consideration the next day.

HOUSE OF COMMONS,

Wednesday, August 5, 1840.

MINUTES.] Bills. Read a second time:—Non-Parochial Registers.—Read a third time:—Administration of Justice (Birmingham); Highway Rates; Bills of Exchange; Church Discipline.

Petitions presented. By Mr. Estcourt, from Dissenters of Devizes, to discourage Idolatrous Worship in India.—By Mr. T. Duncombe, from Inhabitants of Chelmsford, for the Release of John Thorogood.—By Mr. H. F. Berkeley, from certain Individuals, for Reform in the Court of Chancery.—By Mr. W. Attwood, from Steam Packet Proprietors, for Reduction of the Light-house Dues, and Pilotage.—By Mr. Wakley, from Ballycastle, in Ireland, against the Irish Apothecaries' Company, from Individuals, against the Increase of the Tax on Coals; and from Huddersfield, for the Better Treatment of Persons convicted of Political Offences.

RATING STOCK IN TRADE.] Mr. *J. Parker* appeared at the bar, and said that the committee appointed to examine the journals of the House of Lords had done so, and had found that the Rating of Stock in Trade Bill, sent up from this House, had been read a first and second time by their Lordships, and that the report of their Lordships' committee on the bill was ordered to be brought up on that day six months.

Lord *J. Russell* said, he hoped the House, as this was a matter of great importance, would allow him to introduce a new bill and pass it as rapidly as possible. He understood that one question, and that a principal one, upon which this bill had been lost in the House of Lords, was the question as to the liability which was taken away by this bill. That was a point upon which he need not give an opinion. All he would say was, that his hon. and learned Friend, the Attorney-General, was clearly of opinion that the liability, as regarded all occupiers, was neither varied nor changed. It was, however, supposed that occupiers would be exempted from liability under the words which exempted, or at least were intended to exempt, inhabitants only. He had been also told, that there was great objection in the other House to pass this as a permanent act, several noble Lords thinking that the question ought to be again considered in the next session. That certainly was not his opinion. It was essential, however, to pass a bill in the present session, and he would, therefore, propose to introduce a bill, and, if possible, pass it through the whole of the stages that day, so that it might be considered in the House of Lords to-morrow. The noble Lord concluded by moving for leave to bring in a bill.

The *Attorney General* rose cordially to second the motion. There could be no doubt that it was essential that a bill of this sort should be passed; at the same time he owed to himself, and to the question of law, to state that he was of the clearest and most confident opinion that the objections taken to the bill in the House of Lords were altogether unfounded. There was not the smallest pretence for saying that the bill would have the operation apprehended. The only object of the bill was to prevent persons who were inhabitants from being rated for stock in trade. In every other capacity, and as regarded every other species of property, they remained rateable as before. There appeared to exist a dread that leasehold property would be exempted from rating. If the bill had been liable to such a construction, he would have been very much to blame, because he had no doubt that leasehold property chiefly contributed to the rate for the relief of the poor. He begged, however, to say, that it was utterly impossible that such a construction could be put on the bill. After the report made by the hon. Members who had examined the journals of the House of Lords, it was absolutely necessary that something should be done; for if not—if the question were left in its present state, no rate could be made for the poor in any parish in the kingdom. Under the circumstances, the course which his noble Friend proposed was the best that could be pursued. The House had agreed to the bill in all its stages, with very little objection to some of the details—not so much as to prevent him from hoping that the bill would be allowed to pass through all its stages this evening.

Leave given; bill brought in, and read a first time; the standing orders having been suspended, it was passed through all the other stages.

ECCLESIASTICAL COURTS.] Lord J. Russell moved the third reading of the Ecclesiastical Courts Bill (No. 1.)

Bill read a third time.

Mr. *T. Duncombe* had an amendment to propose, but first he would explain to the noble Lord how this matter stood. Yesterday he stated to the House that in consequence of the vindictive conduct of certain parties at Chelmsford, as shown at a meeting of the churchwardens and others, with the rector in the chair, it was clear that the House could not trust those parties with any discretionary power as regarded the bill before the House. It appeared that at a meeting on Monday last, certain resolutions were passed by the parishioners of Chelmsford, the last of which was as follows:—

> "That as regards the proceedings against John Thorogood, which have been hitherto carried on by the churchwardens of Chelmsford, on their own judgment and responsibility, the thanks of this meeting are eminently due to them for the judicious, straightforward, and uncompromising course which they have hitherto pursued; and that, in the opinion of this meeting, they will best serve the interests of the Established Church generally, as they will assuredly of this parish in particular, by persevering in the same course of firmness and consistency, until they have recovered the rate due from John Thorogood, and received the costs occasioned by his obstinacy, trickery, and self-will."

That charitable resolution was put from the chair, and adopted by a majority of the meeting assembled within the walls of that sacred edifice, which John Thorogood not using, did not think proper to contribute to the repairs of. Some parties not satisfied with the show of hands, demanded a poll, the result of which for the first day was, that 168 voted for keeping Mr. Thorogood in prison, and 130 for his discharge. He had little doubt but that the friends of the churchwardens and of persecution would succeed. After coming to such a resolution, and after seeing that resolution confirmed by the petition presented to the House, praying the House not to give its consent to any bill for the release of Mr. Thorogood, although he had suffered nineteen months' imprisonment, until he should have paid the rate and costs, it was quite clear that these parties would not carry out the humane object which the noble Lord had in view in introducing this bill, a bill, the principle of which had been sanctioned by the House without a division, and yet these men set themselves in opposition to the express wish of the House, and, if possible, to an act of Parliament. He therefore said, they ought not to be trusted with any discretionary power, and he wished the House to adopt such an amendment as would take that discretionary power away from them, and leave a discretion with the judge of the Ecclesiastical Court to say whether the prisoner should be released or not. It was stated yesterday, by his right hon. and learned Friend (Dr. Lushington) that thi swould be giving too great power to any judge, to release prisoners from contempt. This was a difficulty easily obviated by confining the operation of the bill to the cases of persons committed for the non-payment of church-rates; and for that purpose he would move to insert in the second line of the bill the words "in cases of subtraction of church-rates." This would only give power to the judge to discharge a prisoner who was imprisoned for a small sum like this, of 5*s.* 6*d.* He proposed, moreover, to leave out the proviso by which no order was to be made by the judge, without the consent of the party or parties in the suit. He wished to leave that proviso out, because it was quite clear that this power would be much better vested in the court, than in persons actuated by such vindictive and intolerant motives as the inhabitants of Chelmsford. It was the judge of the Ecclesiastical Court against whom the offence had been committed. The churchwardens of Chelmsford had, in point of fact, nothing to do with the contempt that had been committed. It rested between Mr. Thorogood and the court, and the judge of that court was the person who was best able to say whether Mr. Thorogood had been sufficiently punished for the offence he had committed. If this had been a case of debt for 5*s.* 6*d.*, the individual would not have been incarcerated more than seven days, but for 5*s.* 6*d.* due to the church, it appeared that a man was to be kept in prison for life. The church was the proper tribunal to say whether this offence had been sufficiently punished or not, and he trusted, considering that Mr. Thorogood had now been imprisoned for nineteen months, that the Church would consider that he had been sufficiently punished. The warrant upon which Mr. Thorogood was committed, merely stated, that he was guilty of contumacy, in refusing to appear to the citation served upon him. The prisoner's making satisfaction for the contempt of court had nothing to do with the payment of costs. Costs were not mentioned in the warrant. He would not, therefore, give those inhabitants of Chelmsford, who had shown so vindictive and malevolent a feeling, a voice upon the subject. He would move, in the first place, to insert words to confine the operation of the bill to cases of the subtraction of church-rates, and subsequently he would move, that the proviso to which he had referred be expunged.

Lord *John Russell* said, he must consider the proposition of the hon. Gentleman with reference to what he proposed subsequently to introduce into the bill, and to decide whether or not the whole proposition ought to be adopted. The hon. Gentleman proposed that the bill, instead of being general, should have reference solely to cases of contempt for non-payment of church-rates. This probably would do away with the objection which he understood had been taken yesterday, and which was of a most serious kind, viz. with regard to any party refusing to appear upon questions of the greatest importance, affecting the various relations of life with which the court would have to deal, the danger of giving to the judge an absolute power of freeing such party at once from the consequences of his refusal. Looking, however, at the amendment with regard to church-rates solely, he must say he did not think it expedient to adopt it. The amendment proposed would give to the judge of the Ecclesiastical Court an absolute dominion over all cases of this kind. The judge would have it in his power to refuse to discharge a prisoner, or after a party had been in prison a single day for contempt, he would have it in his power at once, without the consent of the party suing, to discharge the prisoner. Suppose the judge did not think it consistent with his duty so to discharge a prisoner, then they would be placing upon the judge the whole odium of the refusal; for if they gave the judge an absolute power, it would remain for him to say whether or not the party should be discharged. They had had the case of Mr. Thorogood, and as matters stood then, he thought that case would not find a great many imitators; but supposing any party should so refuse church-rates, and when summoned before the magistrates should contest the validity of the rate, and when summoned to appear before the Ecclesiastical Court, should refuse to appear, and should consequently be committed for contempt, such a person would be imprisoned solely at the discretion of the judge. Now there might be a great many parties who would imitate such conduct, and would bring such a pressure to bear upon the judge, as to be enabled entirely to defeat the law by means of this amendment of the hon. Gentleman. Parties would not pay church-rates, but would contest the validity of the rate, would then refuse to appear, and the judge would be ultimately compelled, from the great number of persons imprisoned, to discharge them. He submitted, therefore, that giving this extreme and absolute power to a judge, without control, to discharge a party who refused to pay or appear, and that after even one single day's imprisonment, would be a most inexpedient change of the law. The amendment would either enable a judge to do that which it was not fit he should do, or feeling that it was not fit, it would be placing upon him a responsibility that ought not to be imposed upon him—the responsibility of entirely dispensing with the enactments of the law, and obedience to the measures taken for the enforcement of the law.

Mr. *Bramston* said, that the people of Chelmsford, and the churchwardens, had great reason to complain of the feelings of vindictiveness and severity that had been attributed to them. The churchwardens were bound to enforce the rate, in vindication of the law of the country. In doing this they had been put to heavy expenses, and now all they required was, that the rate, together with the costs to which they had been put, should be paid. He believed that the churchwardens and inhabitants of Chelmsford would be very happy if Mr. Thorogood were released from prison, provided the law were complied with.

Mr. *Easthope* said, that the hon. Gentleman who had just sat down had complained that his hon. Friend had attributed to those gentlemen of Chelmsford, whom the hon. Gentleman defended, great severity in the course they had pursued with reference to Mr. John Thorogood. Yes, the hon. Gentleman said, and by his cheer confirmed the statement, that these Chelmsford gentlemen would be most happy if Mr. Thorogood were to be released to-morrow. But their happiness did not go to the extent of remitting the 5*s*. 6*d*. and the costs that had been incurred. Their happiness fell quite short of that. They would be most happy if Mr. Thorogood paid the rate and the costs—if in fact he gave them every thing they sought for. They knew that Mr. Thorogood entertained conscientious scruples against paying this rate; or whether they knew this or not, they knew at least, that he was conscientiously determined not to pay this rate, and that he was conscientiously determined not to pay the costs, and therefore their happiness would never be completed, because, sooner than pay this rate and costs, Mr. Thorogood would die in Chelsmford Gaol; and then, forsooth, these gentlemen expected to be exempted from having anything like severity attributed to them. He did think, that the hon. Member would find very few people, however much they might differ from Mr. Thorogood as to the course he had pursued, that would give to the authorities of Chelmsford credit for an extreme anxiety to show mercy, and for an extreme propriety in constituting that which would give them happiness. Never before had an opinion so unanimously prevailed as that Mr. Thorogood had suffered long enough, that the 5*s*. 6*d*. rate had been amply paid for by his imprisonment; that the costs, even if they should amount to 100*l*. had been amply paid for by the length of that imprisonment; and then for those persons to talk of their happiness if he should be released to-morrow, and of their not being influenced by any feeling of severity, and of their praying to be exempted from all charge of harshness in a case like this, when they had done everything which the most severe interpretation of the law enabled them to do, seemed to him rather too much for the public, and he hoped also for that House.

Dr. *Nicholl* said, that it was absurd to talk of conscience in a case of this sort. If Mr. Thorogood had been actuated by conscientious motives, he had nothing to do but go before the magistrates, and, like the Quakers, allow his goods to be distrained. He did no such thing. He went before the magistrates and gave notice, that he would dispute the validity of the rate, and the magistrates, supposing that he did *bonâ fide* intend to dispute the validity of the rate, discharged him. It was nothing short of a fraud on the part of this person to deprive the parish of a summary remedy for the recovery of the rate, and to put them to a more expensive process. The churchwardens had been harassed for a great length of time, and now all that they wanted was, that the rate and their costs should be paid. He could not consent to the amendment.

Mr. *Duncombe* would not press the first portion of his amendment, but would persevere in the amendment for striking out the proviso.

Lord *John Russell* said, that as he admitted, that there would probably be some difficulty in effecting the release of John Thorogood under this bill, and as he had stated his reasons for not agreeing to the amendment of the hon. Member for Finsbury, he should propose the insertion of words calculated to meet the case. As it might require some consideration, however, he should first move, that they be printed. The words were:—

"Provided always, that in cases of subtraction of Church rate in amount not exceeding *5l.*, where the party in contempt has suffered imprisonment for twelve months and upwards, the consent of the other parties shall not be considered necessary to enable the judge to discharge such party."

The object was, to give a prisoner the benefit of the exercise of the powers of a judge after twelve months' imprisonment, and if it met the views of the House he would move it at once.

Amendment moved by Lord J. Russell agreed to, the other withdrawn, and bill passed.

Mr. Feargus O'Connor.] Lord J. Russell moved, that the House resolve itself into a Committee of Ways and Means.

Mr. *Aglionby* rose to move :—

"That an humble address be presented to her Majesty, that she will be graciously pleased to direct that a commission may be issued to inquire into the allegations contained in the petition of Mr. Feargus O'Connor, presented to this House on the 1st day of June last, and into what has been and now is his treatment in York Castle; also to inquire into what has been and now is the treatment of prisoners confined under sentences for writing and publishing seditious libels, or for uttering seditious words, or for attending seditious meetings, in the gaols or houses of correction of York, Wakefield, Northallerton, and Beverley."

He assured the House that he had no intention whatever to throw any imputation on any individual, his only object was, that inquiry should be made into the circumstances, with a view to the proper elucidation of the grounds of complaint. He thought that he should be able to make out a *prima facie* case of hardship quite sufficient to justify him in the course which he had adopted, and that he should also be able to show that a commission was the best and most satisfactory mode of obtaining that satisfaction and information to which the country was entitled. He would proceed first to the second part of his motion. The case of York Castle would include the complaint of Mr. Feargus O'Connor, and the other places named had been selected, because, being in the same county, it was probable that the same regulations prevailed in their gaols, and also because strong cases of hardship had been made out in petitions presented to the House from persons confined in them. Mr. Joseph Crabtree was confined in Wakefield gaol, and a petition had been presented to the House from him on the 30th of June. That petition set forth many circumstances showing the greatest hardship to have been employed towards the prisoner, which in themselves formed a ground fully sufficient to entitle him to succeed in his motion. All he asked for was, that an inquiry might be made by competent persons, in order that the result might be known to the House. The hon. Member then proceeded to read extracts from the petition, at considerable length, which, he contended, stated the petitioner to have been subjected to a degree of indignity and hardship which he thought was unfitting his condition. The hon. Member also referred to the petition of Richard White, a prisoner for similar offences, and of a prisoner who was confined in Northallerton gaol, who had been subjected to hard labour. The latter petition had not been printed, and he could not vouch for the accuracy of the allegations contained in it, but if it were that the prisoner was put to hard labour, he contended that a case for inquiry had been made out. He thought that the hon. and learned Attorney-general would confirm the opinion which he expressed when he said, that hard labour was not such a punishment as was contemplated in such cases. He had had the honour of sitting as chairman of the committee upon the subject of the Affirmation Bill, and the hon. and learned Attorney-general had made use of an expression upon this subject of which he had taken the liberty of making a note. He said, "Hard labour ought never to be imposed, because it is an infamous punishment, unless it be for an infamous offence." This case was not infamous, and if the parties were subjected to hard labour it was improper. He called upon the hon. Gentleman the Under-Secretary for the Home Department to satisfy the House whether hard labour was part of the sentence pronounced. If it were a part of the sentence, it was an erroneous sentence; if it were not, the punishment had been improperly inflicted, and he claimed that an inquiry should be made. With regard to the first part of his motion, regarding Mr. F. O'Connor, he founded it on the petition presented by his hon. and learned Friend the Member for Reading. Mr. O'Connor alleged a series of hardships and grievances, which at the time excited very strong sympathy;

and he begged to ask whether, if these statements were true, such punishments had not been inflicted as should never have been employed? It was matter of public notoriety that some relaxation had been made—an admission of the necessity of taking that course. Mr. O'Connor in his petition stated,—

> "That, in consequence of the judgment of the Court of Queen's Bench, your petitioner was consigned to the custody of the governor of York Castle, on Tuesday the 19th day of May, at ten o'clock at night. That your petitioner was first deprived of his money and a few newspapers, and, after being examined by a physician, was conducted to a stone cell, seven and a half feet long and four feet ten inches wide, about eight feet high, the door up to petitioner's chin, and only wide enough to admit petitioner sideways. An iron bedstead, not near the width of petitioner, a thin flock bed, not so long as petitioner, and the usual number of blankets, with a horse rug for a counterpane, were then shown to petitioner, which, with a black pot, composed the furniture, &c."

On former occasions some of the facts stated in the petition were denied, and it was alleged that he had voluntarily imposed upon himself those hardships, of which he complained. Mr. O'Connor, however, assured him, that that of which he complained was strictly in accordance with the rules of the prison. That very contradiction was a reason for inquiry. It was also stated in the petition that Mr. Clarkson, the professional adviser of Mr. O'Connor, had presented a petition complaining of his not having been allowed to visit Mr. O'Connor. He denied that he had ever admitted that he was not the professional adviser of Mr. O'Connor, or that he wished to see him as a private friend only. Up to the month of June last he was still refused admittance to his client, though since that period he had been allowed to see him. He thought that some explanation of this refusal to admit Mr. Clarkson was due from the hon. Under-Secretary. Government had sent a responsible officer (Mr. Crawford) down to inquire, but his instructions were verbal only, and there was no record whatever of his investigation. He thought that such a course on the part of the Home-office was, to say the least of it, not salutary, and that he was entitled to call for a commission to inquire into the state of the discipline in the prisons in question. He thought that the House could not have before it a question of greater importance, or one of deeper interest to the masses of the population, and respecting which they had so repeatedly petitioned the House. The demand which he made for inquiry was supported by precedents, and it had been allowed at periods not remarkable for the liberality of the Government: and he had shown a *primâ facie* case of hardship. In conclusion, he called upon the House to grant him what he required, and he should leave it until the inquiry was completed, or to a future period to found a substantive motion on the subject. The hon. Member concluded by making his motion for an address, which we gave at the early part of his speech.

Lord *John Russell* did not feel that it would be convenient to revive the whole of the discussions which took place on previous occasions on this subject, and what had now been stated by the hon. and learned Gentleman respecting Mr. Feargus O'Connor was substantially the same as had been stated on former occasions, when the House decided by a very large majority against such a motion. The present motion of the hon. and learned Gentleman was founded on the allegations made by Mr. Feargus O'Connor as to his treatment; immediately on complaint being made to the Secretary of State for the Home Department, he directed that the treatment of Mr. F. O'Connor should be altered, and he did not understand that the hon. and learned Gentleman found fault, unless with respect to some of the phrases used on the subject, with the treatment now experienced by that person. The question was, whether or not the justices of Yorkshire had complied with these directions; an inspector of prisons was on the spot at the time, and he was directed to investigate the subject; and on his doing so, he stated that he was satisfied that the directions of the Secretary of State had been complied with, and that the magistrates did not enforce the prison regulations against Mr. Feargus O'Connor. If the House was disposed to think that those who had the regulation of the prison had altered or suppressed the facts of the case, there might be ground for further inquiry; but it should be recollected that if this were discovered it would be instantly followed with the dismissal of the parties: they had then the declarations of Mr. F. O'Connor, but he did not think that they were so much to be relied on, or ought to be considered such sound or good authority as that which he referred to. With regard to these cases generally, he thought that a great deal of sympathy was felt towards those persons who were found guilty of libels at particular moments of excitement, and growing out of strong fervour or feeling occasioned by the collision of parties, or other similar causes, and this not merely in the minds of those who had attended to the subject, but in the mind of those who had administered the law; but he confessed that he did not think that any such sympathy was called for in the case of those who, by means of pamphlets or newspapers, or by speeches, indulged in language far beyond the bounds of propriety, and which tended to bring the Sovereign and the law and the authorities into contempt, and which held up individuals to public attack, and which thus, either by writing or speech, induced persons to violate the law. He recollected that on this subject a distinguished friend of his made some striking observations in 1819, when the Six Acts, as they were termed, were before Parliament. He alluded to the late Sir James Mackintosh, who drew the broad distinction between the two classes of libellers in so much more striking language than he could use, that he would read some of his late Friend's observations to the House. The noble Lord quoted, at considerable length, from Sir James Mackintosh's speech on Dec. 23, 1819; and for the passage, *see* Hansard, vol. 41, pp. 1132—1133. Sir James Mackintosh also proposed an amendment for the purpose of carrying these opinions into effect, which was thus worded, namely, to leave out all these words,

> "Tending to bring into hatred or contempt the person of his Majesty, his heirs, or successors, or the Regent, or the Government and constitution, as by law established, or either House of Parliament, or to excite his Majesty's subjects to attempt the alteration of any matter in Church or State, as by law established, otherwise than by lawful means;"

And to insert these words in their room,

> "Or any seditious libel tending to excite his Majesty's subjects to do any act which, if done, would by the existing law be treason or felony; or any libel in which it shall be affirmed or maintained that his Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in Parliament assembled, has not, or ought not to have full power and authority to make laws binding on his Majesty's subjects in all cases whatsoever."

He thought that this was a clear distinction, and that it would have been expedient and just to adopt the amendment as proposed by Sir James Mackintosh. He thought, that by the adoption of some such words as these they might easily draw a distinction. If he was called upon to refer to particular cases illustrative of his opinion, he would say that one of the least blameable cases of the first kind of political libel, and which evidently grew out of the extreme fervour and excitement of the moment, was that of Sir Francis Burdett; another case, very similar, was that of Gilbert Wakefield, and there were others of the same kind which he could mention. Now, he did not think that his hon. and learned Friend, the Attorney-general, ever instituted proceedings against any of this class of libels; nor had he received any instructions from the Government to prosecute in any such case. He believed, that no proceedings of the kind had been carried on since the Government of the Duke of Wellington, when the Attorney-general felt called upon to proceed against certain newspapers for using language of certainly a very intemperate and violent nature, at a period of great political excitement. But with reference to the second species of libel, by which attempts were made to excite persons either by speeches or by writings to rebel or to act against the law, or to overthrow the law, or to commit acts of violence against individuals, and this by persons who wished to get some pecuniary advantages for themselves out of such proceedings—against such persons he thought that it was the duty of the Government to direct prosecutions to be instituted. He thought also, that although sympathy or commiseration might be extended to the former classes of offenders, it would be very ill to feel or manifest any thing of the kind towards the latter. He did not hesitate to say also, that he thought that Mr. F. O'Connor's was one of the worst cases of the latter description of libel; for that person was the proprietor of a newspaper by which he made a very considerable profit, and which had an extensive circulation in Birmingham, Manchester, Leeds, and other manufacturing districts, and in which there were constant attacks on the law and the institutions of the country, so as to lead to the endangering the peace of the country. He thought, that with regard to persons of this class, all that the Secretary of State could be called upon to do in case of their conviction and their being sentenced, was to take care that they were not exposed to any unnecessary or extreme hardships. At the same time, however, it was not to be allowed that this person, or any other of the same class, was to have all the honours of martyrdom without any of the sufferings of the martyr. If that were to be the case, it would be only giving a premium to others to follow their example, and to imitate them in violating the law, and thus lead to the greatest confusion in the country. Before he sat down, he wished to advert to one or two of the points alluded to by the hon. and learned Gentleman in reference to the case of Mr. O'Connor. The House had heard many complaints of the hardships inflicted on Mr. O'Connor, in putting him in a room in company with felons. He said, that the facts of the case were these: it so happened, that at the time that Mr. O'Connor was committed to York Castle, there were no prisoners on that side of the gaol in which misdemeanants were confined. On his being conducted to that side of the prison he complained of being placed in solitary confinement, and he was asked by the keeper of the prison whether he would prefer being placed in a room with some felons who had been convicted of offences of a less heinous character to continuing where he was, and Mr. O'Connor at once stated his desire to be removed there. One of the strongest complaints made by Mr. Feargus O'Connor was his being placed in the society of felons, and it certainly had made some impression on the public; but the fact of the case was exactly as he had stated, and that Mr. O'Connor was placed in their society at his own desire. The hon. and learned Gentleman said, that the treatment of these prisoners for political offences should be similar to that of debtors; he contended, however, that there was no ground for any such analogy, and he could not conceive why such a change should be made in the treatment of a person guilty of a misdemeanour of a very bad character. If they sent down a commission to inquire into all these grounds of complaint, the report would inevitably be, that the several sentences were carried into effect according to the decision of the judges. If the hon. and learned Member and the House were of opinion that in these cases of sedition the persons found guilty should be treated with peculiar mildness, he could only say that it would be for the Legislature to make a change to this effect, which must be done by an act of Parliament; but the appointment of a commission could only have the result of seeing whether the sentences had been carried into effect, and whether the magistrates adhered to the instructions of the Secretary of State. He could assure the hon. Gent. that neither the Government nor himself would be deterred by either petitions or motions, from proceeding against persons instigating others to a breach of the law, or from adopting those steps which they believed were essential to the peace of the country.

Mr. *T. Duncombe* could not help complaining of the language which the noble Lord had thought proper to use in reference to the persons who were the subject-matter of the present motion, in charging them with urging others to the violation of the law, and to acts of violence and rapine. He did not think that there was anything in their conduct which would justify the use of such expressions on the part of the noble Lord. What he complained of was, not that prosecutions had been instituted, but that the sentences had been carried out in a way in which the judges did not intend they should be, and which the law did not justify. As for the inspector of prisons, Mr. Crawford, visiting York Castle, in conformity with the instructions of the Home-office, they had been told that that gentleman had taken no examinations or depositions, and had made no written report. Now, he believed that the statement of Mr. Feargus O'Connor was to be relied on in this point, who declared that depositions had been taken, and had been signed at York Castle. With respect to the motion, he regretted that his hon. Friend had not extended it to all gaols in which persons were under confinement for political offences. The motion would not then be confined to York Castle and Wakefield House of Correction, but would extend to Oakham, Warwick, Knutsford, Chester, Lancaster, Monmouth, and other places. The House was hardly aware of the number of persons suffering in the various prisons at the present moment, for offences of a political nature. Now he was anxious that an inquiry, if one was instituted, should be extended to every case of the kind. On this subject he had that day presented a petition from a man of the name of Martin, who was now confined for a political offence in Northallerton gaol. This petitioner, William Martin, had been sentenced for sedition to twelve months' imprisonment in the Northallerton house of correction, and to be bound over to keep the peace for three years. On his being taken to the house of correction he was put to hard labour, and for a certain period was placed on the treadmill. This was clearly illegal, and contrary to the sentence passed on him; for on his conviction, and being sentenced, he asked the judge who tried him whether he was to be sentenced to hard labour. The judge replied, that the law did not authorise him to sentence a person to hard labour convicted of the offence of which this person had been found guilty. Notwithstanding this, he was placed on the treadmill for several days, and therefore, if the statement of the prisoner was true as to the language of the judge who tried him, there could be no doubt of the illegality of his treatment. This man did not ask the House to curtail his punishment, but he requested that he might be treated as others convicted of similar offences, and that he might be sent back to York Castle. The noble Lord had declared that the case of Mr. Feargus O'Connor was one of the worst cases of the kind. Why, then, should Mr. Martin's treatment in gaol be so much worse than that of Mr. O'Connor? He thought, however, that one part of the treatment of Mr. Feargus O'Connor was absolutely disgraceful, namely, the opening and reading his private letters before they were handed to him. If they wished to prevent his communicating anything they objected to, let either the chaplain or gaoler, or other officer of the prison whose duty it was to do so, read that gentleman's letters before he was allowed to send them away; but there could be no possible necessity to violate confidence to such an extent as to open the letters sent to him. With reference to the case of Vincent, he felt bound to thank the Government for the mitigation that had been made in the treatment of that person, and of Shellard, and of two or three others now in confinement for political offences. He believed that if a commission was appointed, it would be found that upwards of 200 persons were confined in different gaols on charges of a political nature, and that the treatment they experienced varied considerably. He hoped that on reflection the noble Lord would agree to the motion of his hon. Friend.

Mr. *Wakley* had hoped the hon. Member below him, the Under-Secretary for the Home Department, would have communicated to the House what he knew upon the subject; but the hon. Gentleman seemed to rely upon the argument and statement of the noble Lord the Secretary for the Colonies, who had now retired from the House. He was very glad his hon. and learned Friend the Member for Cockermouth had brought forward the motion; he returned that hon. and learned Gentleman his thanks for the perseverance in the matter, and for the resolution he had shown, that this question should not remain unmooted in this House, or that the public should continue ignorant of these atrocities. But, important as the question was, it was not now being discussed before the representatives of the people, but before the benches which those representatives ought to occupy. He knew not what explanation hon. Members would give of their conduct in the matter on the hustings, but he trusted that a faithful account not only of the present state of the House, but also of the arguments which had been urged, would be presented to the public. Why, if the Government would not pledge itself to an inquiry into these matters, did it refuse to grant a commission. He thought a commission would expose acts of atrocity which the country would condemn, and even the House would not approve. Had there been, he begged to ask, any refutation of the allegations contained in the petitions which had been presented? It was said, that Mr. Crawford, the inspector was satisfied that the allegations in the petition of Mr. Feargus O'Connor were untrue; but where was the evidence of Mr. Crawford's satisfaction on that point? The Government had been entreated over and over again to produce Mr. Crawford's report, and at one time it was said that his report had been orally communicated, and at another time the answer given was, that if a report in writing had been made, there was nothing in it. Over and over again the informations or depositions upon which Mr. Crawford had formed his opinions had been sought from the Government, and in every instance the attempt to obtain either the one or the other had wholly failed. This was not treating the House and the country either fairly or justly, and the course pursued in the matter was calculated to bring the House to the lowest possible degree of public odium. If the allegations contained in the petitions of the various political prisoners who had addressed the House were untrue, they themselves would be the parties who would suffer for their falsehood; but his belief was, that those allegations would, on inquiry, turn out to be well-founded, and in that belief he was confirmed by the fact that the Government did not dare to grant such an inquiry as would expose the atrocities which had been committed. If they did not shrink from inquiry, why should they refuse a commission? Let the House bear in mind some of the allegations. What was the statement of Crabtree? Why, he had told the House that he was obliged to keep his face in one position. Did the hon. Member below him (Mr. F. Maule) sanction this infamous treatment of political offenders? The hon. and learned Member for Cockermouth had most ably and adroitly laid before the House what had taken place in the year 1812, when those in office were Tories—a party condemned by those who now held office for their political prosecutions of the Liberals. But it appeared that even then, in a corrupt and atrocious boroughmongering House of Commons, a motion similar to the present was succesful. There was now a reformed House of Parliament, in which it was said the opinions of the people were faithfully reflected; and yet now, when a motion was made by a friend of the people, what was the answer given to it by the noble Lord, the leader of the House? Why, precisely the same answer as had been given at the former period by Lord Castlereagh. In short, the noble Lord appeared as the Castlereagh of the present day. This was but too true; for the noble Lord had, in resisting the present motion, employed the selfsame argument as had been used by Lord Castlereagh in 1812. Did her Majesty's Government suppose the people would respect such conduct on the part of professed reformers? Was this to be the course of reform, that out of office they should support liberal principles, and in office condemn liberal principles? Was this such honesty of heart and of intention as would win the affections of the people of England? On the contrary, would not the people rather condemn such conduct, and do right in visiting it with their severest condemnation? He had expected that, on a former occasion, the Administration would have said, and said truly, "We have been deceived; we had expected that the magistrates had pursued a different course, and we do not approve of political offenders being subjected to this severity of punishment; we discredit the statements which have been made, and we will at once institute an inquiry, in order, if possible, to ascertain whether an efficient remedy may not be applied." Instead of this, the noble Lord, the Secretary for the Colonies, had quoted the language of Sir James Mackintosh, supplied him by an hon. and learned Gentleman on the opposite benches, who held the opinions now which Lord Castlereagh entertained in 1812. The hon. and learned Gentleman must rejoice that the noble Lord had fallen into the trap so ingeniously laid for him. But the noble Lord had divided political offenders into two classes, and had called upon the House to look with clemency upon language used in the heat of argument by such men as Sir F. Burdett in 1819. Now, Sir F. Burdett was a man of education and of large property, and in his opinion it was upon the educated man, upon the man of property, whose influence and example were calculated to have a great effect on the community, that the severity of the law should fall, rather than upon the uninstructed and untutored. He would exhibit no leniency to such men as Sir F. Burdett, but he would extend it to individuals like William Lovett and John Collins. And how had those two men been treated in Warwick gaol? Why, for the first six months, except during a short time while they were in the infirmary, they were denied the use of animal food. Looking to that case, he was of opinion that the inquiry ought not to be confined to that of Mr. Feargus O'Connor, but that the commission should issue to inquire into the manner in which political offenders were treated in all the gaols of the United Kingdom, and, therefore, he trusted his hon. and learned Friend, the Member for Cockermouth, would withdraw the first portion of his motion, and amend the second part of it in such a manner as to include the cases of all political offenders. Would the Government object to such an amendment? It would be better that they should do so, for the question would otherwise come to a division, and in that case, though the commission might be lost, the Government would lose the House. The course which the Government had thought fit to pursue in this matter was deeply to be regretted and deplored. The hon. Member below him (Mr. F. Maule) was of a sanguine temperament and an excitable constitution; he might be one day out of office, and in a year or two find himself in such a place as Warwick gaol. The hon. Member was not very mild in his expressions towards his political opponents; he gave free currency, and he admired him for it, to his thoughts and views with respect to those whom he believed to be the enemies of his country, and thus he might bring himself under their prosecution. Now, in that case, he begged to ask the hon. Member how he would like to be put on the treadmill, or be obliged to keep his fine face in one position for eight hours at a time in order that the people might admire it. Such treatment as these political offenders had experienced was a disgrace to a country which boasted of its civilization. If the Government was ready to take upon itself the odium of this proceeding, let them; he, for one, at least would take especial care that no part of it should fall on him. Nay, if he were in the Administration, nothing should induce him to continue there, if his colleagues would persist in a course which must bring disgrace upon any Government professing liberal principles.

Mr. *F. Maule* could not help observing, that he thought the speech just delivered by the hon. Member for Finsbury was much better adapted for the marquee in which Lovett and Collins had dined the other day, than for the occasion when this important question was discussed. The speech of the hon. Member had so much of the serio-comic vein, that the hon. and learned Member for Cockermouth could scarcely thank his hon. Friend for his support on this occasion. The hon. and learned Member who had brought forward this motion had said, that the issuing of a commission was the proper mode of proceeding. He was sorry to differ from him. He had quoted the case of Thomas Holden, brought forward by Sir Samuel Romilly in the year 1812. Now, Holden was confined for a simple debt, and while in prison had been subjected to all sorts of most infamous treatment. At that period the transactions in the management of gaols were but little known to the Executive Government, and he could well imagine, that in 1812 the House of Commons consented to an inquiry into the circumstances of that case and into the government of that particular gaol. But his hon. and learned Friend might have brought forward a case much more analogous to the present—that of Mr. Hunt, confined in Ilchester gaol in the year 1819. But in that case the complaint was against the gaoler, whose conduct was described to be of so tyrannical a nature as to unfit him to remain at the head of that gaol. These circumstances were strongly put to Mr. Goulburn, then the Under-Secretary for the Home Department, who moved an amendment, the effect of which was the issuing of a commission of inquiry, and the result of that commission was, that the gaoler was held to be unworthy to retain his situation. There, then, was an inquiry into a specific complaint; but in the present case the House was asked to consent to issue a commission to inquire into the management of all gaols in which political offenders were confined. Now, the first case which had been brought under the notice of the House was that of Joseph Crabtree, who, by the hon. Member for Finsbury had presented a petition. He had taken some pains to inquire into that case, and he found that Crabtree was a very peculiar sort of person, and that he not only petitioned the House of Commons, seeking for remedies for the treatment he received in the gaol in which he was confined, but that he also had addressed the Home-office offering to make disclosures and discoveries as to the conduct of his brother Chartists. In his petition Crabtree stated, that he had been afflicted with a disease of the liver for the last six years, and that he suffered also from a pulmonary complaint, which, with imprisonment, would be likely to prove fatal. The Home-office had inquired into that statement, and he had the authority of the surgeon of Wakefield gaol, of whose conduct he had never heard any complaint, for saying that Crabtree was not suffering from any serious disease of the liver or from any organic affection of the lungs, and that, though delicate, he had no complaint of a serious character as tending to shorten life. He next complained of being kept in close confinement, and being prevented from walking about. In answer to this, the gaoler stated, that he was only prevented walking about after he was locked up at 8 o'clock at night, and that rule was established to prevent prisoners in the adjoining cells from being disturbed. With regard to the statement as to his being obliged to hold up his head, and prevented from speaking or making any motion or sign to other prisoners, it was a most exaggerated statement of the discipline of this gaol—a discipline known as the silent system. Whether that system was right or wrong was not the present question, but under it, it was true that Crabtree could not speak or communicate by any means with the neighbouring prisoners with whom he was confined during the day. That system was sanctioned by the law, and had been productive of great good where great numbers of prisoners were confined together. As to the allegation that he had been cut off from communication with his family, and that he was not allowed to write, the visiting justices stated that Crabtree had had frequent visits from his friends, and had enjoyed all necessary correspondence with his wife upon domestic affairs. As to his diet he had been allowed an addition of a pint of milk daily, besides other indulgences. In May last he wrote to the Home-office, offering to give information as to the Chartists, but the offer was not attended to, because it was felt information ought not to be received from an individual who was himself in the custody of the law. So much, then, for the case of Crabtree. The hon. Gentleman, who frequently became very inaudible, was understood to say, that with respect to William Martin, if his case were rightly stated, there must be something wrong; but, for his own part, he had had no previous knowledge with respect to it. As regarded the case of Mr. O'Connor, it had already been admitted that his treatment at York Castle had, for the first two days of his imprisonment, been unnecessarily severe, but the moment the Secretary of State was made aware of it, measures were promptly taken that similar cause for complaint should no longer exist. Mr. O'Connor subsequently denied that the instructions given by the Secretary of State upon this point had been carried into effect, but on inquiry made, the Government had been assured, by a communication from the visiting governors, that those instructions had been acted on. The complaint being reiterated, a person was sent down by Government to York Castle to make inquiry into the matter. Captain Williams, the inspector of the northern districts—not being in the way, the task devolved upon Mr. Crawford. Mr. O'Connor complained of the cursory manner in which the inquiry before Mr. Crawford was conducted, which, he said, was cut short in the details. Now the inquiry extended over an entire day, the 9th of June last; and Mr. Crawford, when asked respecting the investigation, said, that the whole of the allegations contained in Mr. O'Connor's petition had been inquired into most fully. When the visiting magistrates had all but one left. Mr. O'Connor proposed that the investigation should be continued the following day, not confining the inquiry to that alone which had occurred at York Castle. The magistrate, who was the only one present, consented, but the other magistrates on the next day objected, on the ground of the proposition for introducing extraneous matter. Since that period Mr. O'Connor had received all the indulgences which an imprisonment in the Castle would permit. He had a good airy day room, as well as a similar one for a sleeping apartment. He was allowed to select his food, and permitted to see his friends as well as his legal advisers, Messrs. Clarkson and Turner. Mr. Clarkson, applied to be admitted to him on the 22nd of May. The magistrates, having some doubts on the point, wrote to the Secretary of State for instructions, and an answer was returned on the 25th, directing both that his legal and medical advisers should be allowed access to the prisoner. Mr. Turner, the other legal adviser, applied for the same permission directly to the Secretary of State on the 25th of May, to which application that gentleman received an answer in the affirmative on the 26th, the visiting magistrates having been written to to that effect at the same time. Thus, then, it would be seen that no blame could attach to the Executive Government as far as regarded the access of Mr. O'Connor's legal and medical advisers. There was, indeed, one privation to which Mr. O'Connor had been subjected, and however unpopular the avowal might make him, he must say, that he concurred both in thinking that Mr. O'Connor was justly subjected to that privation, and that it was one which ought to be continued. It was this—that whilst Mr. O'Connor was enduring the punishment of a crime of which he had been convicted by a jury of his countrymen, and for which he had been sentenced by a judge of the land, he ought not to be permitted to conduct the journal called the *Northern Star.* The expression of such an opinion, and the adoption of such a course required, he admitted strong grounds of justification, but he also thought that it would not be denied that those grounds existed on the present occasion, for if hon. Gentlemen would look to that paper, they would admit that it was well calculated to work the public mind into the same state of dangerous effervescence which was exhibited last summer. If, whilst Mr. O'Connor was free, he could excite to so much danger, the chances of evil would be increased tenfold if he were allowed to conduct the journal whilst in confinement. With respect to the close eye which was kept upon Mr. O'Connor's correspondence, a communication from the governor of the gaol would show its necessity. When the person who attended Mr. O'Connor in prison, Edward Whitworth, was about to be discharged, he was closely searched, with a view to discover whether he had any papers on his person, but none were discovered. He took with him a small looking-glass, given to him by Mr. O'Connor, in which it was not supposed any papers could be secreted, and which was, therefore, allowed to pass; yet Mr. O'Connor afterwards boasted that there were several sheets of closely written paper concealed between the glass and the wooden panel at the back. Under these circumstances, it was not to be wondered at that Mr. O'Connor's correspondence was closely scrutinized. He now considered that he had touched upon most of the points which had been alluded to. Before he closed his observations he must express his regret that those who had taken up the view of the hon. and learned Member for Cockermouth persisted in the use of the general expression "political offences," when the danger which attended them had not yet passed away, and which, though at present out of sight, might be, perhaps, but slumbering. He hoped, however, that this might not be the case, and that the public mind was returning to a better condition. The House should not, however, shut its eyes to the tendency which existed amongst the humbler classes, owing in a great degree to the fact, that wages were not what they ought to be. Though that tendency did not now exhibit itself in the same way in which it had lately done, still the dangerous views which had been entertained and expressed should not be hastily forgotten. It was true, that the persons who were confined for those offences had been, for the most part, the victims of others, who had deluded them. Some of the leaders, too, had suffered punishment, and he did not, and would not believe, that any persons in that House sympathised in the crime for which they had suffered, notwithstanding the exaggerated statements which had been made respecting them, and the contrast which had been drawn between former times and the present. For his own part, whilst the gaols were so well inspected, he would not suffer himself to be led away by the notion that these petitions were correct representations. He, however, would say with respect to the different systems of regulations in the various prisons, he would have no objection to see them placed under the control of a central board, as in Scotland.

Debate adjourned.

COURTS OF EQUITY.] On the question that the Courts of Equity Bill be committed.

The *Attorney-General* wished to say a few words before the Speaker left the Chair. He regretted, that the other bill which had been sent down from the House of Lords had not passed into a law during the present Session. But from the lateness of the period, and the opposition therefore it had been thought more expedient to withdraw that bill, in order to introduce it at the commencement of next Session; he believed, that the bill now before the House would not meet with opposition from any quarter, not even from the right hon. Gentleman the Member for Ripon, who had thrown out such an alarming threat respecting the other bill. The object of this bill was to give to the Lord Chancellor, with the concurrence of the Master of the Rolls and the Vice-chancellor, the power of making rules and regulations in the practice of the Court of Chancery. He believed, that the Court of Chancery, the bar, and the solicitors, were almost unanimously of opinion, that such a length of time as now interposed between the setting down and the hearing of a cause was an enormous evil, which drove parties to an unequal compromise, and was in many instances a denial of justice. The only remedy for that evil was to add to the number of judges. This bill empowered the Lord Chancellor to do that which otherwise could only be done by an Act of Parliament, namely, make different arrangements for conducting the business of the equity courts. There were many things connected with the offices of the court which it would be desirable to correct, simplify, and improve. These, however, were matters of regulation, which he thought would be much better left to the judges, as those of the common law had been left, than made the subject of legislative enactment in detail. To enable the judges in equity to make those regulations was the object of this bill. He sincerely hoped, that it was only the precursor of still greater and more extensive improvements.

Mr. *Pemberton* spoke to the following effect.* — I entirely agree with my hon. and learned Friend the Attorney-general, in regretting that the bill to which he has alluded, did not pass into law. I entirely agree with him, that few measures of greater importance to the public interests have ever been sent down to this House from the House of Lords. But I confess, that the speech of my hon. and learned Friend would have been more satisfactory to me, if, instead of confining himself to expressions of regret at the failure of that measure, he had explained the cause of it, and had told the House and the country what is hitherto a profound secret—a mystery apparently unknown even to the Ministers in the other House of Parliament—how it has happened, that a measure of such vast importance, so often promised, so long delayed—reaching this House, after so many years of hope deferred, has at length been so unceremoniously, and as it should seem, so causelessly abandoned. Is the Government ignorant of the difficulties which had been surmounted in the other House; what sacrifices of personal and political feeling had been made to carry it; what exertions had been made by a most distinguished individual, possessing great influence there, to remove obstacles which nothing else could have overcome? I believe Lord Lyndhurst recommended the select committee for the very purpose of laying before Parliament a body of evidence which should convince all men of the necessity of abolishing the Equity branch of the Exchequer, and giving additional judicial power to the Court of Chancery—and after a most complete body of testimony had been produced—after, by means of it, opposition had been silenced—when no serious difficulties any longer remained, her Majesty's Ministers in this House, apparently in mere wantonness, threw up the bill. Surely some explanation is demanded why Ministers suffered themselves to be scared from a measure which they themselves admit to have been so important, by a mere shadow of opposition—a mere threat of a speech, not against the bill, but on matters connected with it, by my right hon. colleague. My right hon. colleague was perfectly consistent in his course. He had never expressed himself as being hostile to the bill itself—but he was of opinion that improvements in the appellate jurisdiction were as important as those provided by the late bill, or more so—he thought that measures for both objects ought to be connected together, and he entertained so little confidence in her Majesty's Ministers, that he thought if the additional judges were once granted, the necessary improvement in the appellate courts would never be accomplished. But the Government, of course, do not share these opinions—they consider that the two measures are entirely distinct and independent, and that the appointment of the additional judges, and the abolition of the Equity branch of the Court of Exchequer, will facilitate rather than impede other desirable alterations. Why, then, I ask again, was this bill thrown aside? Is a measure unworthy of the support of the Government, if it has only the recommendation of being of the utmost importance to the well-being of the people? Sir, I cannot think that the House ought to permit this bill to be recommitted without a much stricter examination of its objects and effect, of the evils which require correction, of the evils which it will leave untouched, and of those for which it will provide a remedy, than my hon. and learned Friend, the Attorney-general, has deemed to be necessary. It seems to me important to go into this detail, in order that this House and the public may form a correct opinion of what they have a right to expect from those to whom these extensive powers are proposed to be confided, so that those who are to exercise these powers, and those over whom they are to be exercised, may alike know, that the eyes of the people are upon them, and that a strict account will be required of the employment of powers so extensive. While this consideration will operate to exclude all bias of fear or favour in the discharge of his important trust, the hands of the Lord Chancellor will be strengthened by the conviction, that in dealing fearlessly with gross abuses, wherever they may be found, he may count upon the support of the House of Commons, and the concurrent opinion of all men of all parties in it. It is unnecessary to remark, that the two great evils of the Court of Chancery are expense and delay. Delay, indeed, is itself expense, with the addition of a thousand ills besides. But these evils have so commonly been treated as a mere topic of popular declamation—as a convenient ground of attack against a minister—that the real nature and causes of the evils, and the means by which they may be removed or alleviated, have scarcely ever, in this House, been investigated. But however dry or uninteresting the detail may be, there is no other mode of discussing usefully the best remedy for evils, which are felt by all to be of overwhelming magnitude; which all men, of all parties, are equally interested in correcting, and if they understood them, would, I believe, be equally anxious to correct. Sir, for this purpose it is necessary to distinguish between the delay and expense which arise from the want of sufficient judicial power in the courts, and those evils of the same kind which arise from other causes. The former class, the bill now before the House will leave entirely undiminished; the latter, by means of this measure, may be removed or lightened. I rejoice, Sir, to see that the hon. Member for Kilkenny is in the House, though I fear I must encroach upon his province, and point attention to abuses, which, though some of them appear upon returns which he has procured, seem to have somehow or other escaped his observation. I trust, Sir, that the hon. Gentleman's powers of vision are not dimmed by years, though they certainly have not exhibited the same lynx-like acuteness in the detection of abuses since his friends have come into office, which they displayed in the time of his opponents. Sir, it appears from the evidence taken by the House of Lords, that the average arrear of causes in the Court of Chancery is about 700, and that allowing twelve months for bringing a cause into a state for hearing, two years more are wasted before it can be heard. Perhaps most causes are heard twice; many, several times before they are finally disposed of. If any accounts are to be taken, or any inquiries made, the causes are at the first hearing referred to one of the masters of the Court, and after he has made his report, are again set down for hearing before the judge, and undergo another delay of two years. Though the expense attending this delay is the least of the evils which arise from it, even the expense well deserves attention. It is not merely that during this period, term fees are paid in each of the four terms in each year to all the clerks in court and solicitors employed, but occasions for applications by motion and petition are continually arising, and changes are constantly taking place which give rise to new suits. If a birth, or death, or sometimes if a marriage takes place, if a man makes an assignment or a mortgage of property, becomes lunatic, bankrupt, or insolvent, if any change or transmission of interest occurs, a new suit is the consequence. A most respectable and able solicitor, Mr. Field, who has devoted great time and attention to the subject, was examined before the Select Committee of the House of Lords, and he has also published a pamphlet on the offices and practice of Chancery, which deserves to be studied by all who take an interest in the subject. He has made a calculation of the expense arising from the delay in hearing in the Vice Chancellor's Court alone. The arrear there, at that time, was 515 causes, and he computes it at 20,000*l.* per annum, so that taking the average arrears in the three Courts at 700, nearly 30,000*l.* must be thrown away in each year, in pure loss, without the slightest advantage to any human being; and the suitors to this extent are taxed, not to secure to them any advantage, but to purchase heart-breaking anxiety, distress and ruin; and four or five years of this expense are thus inflicted on the suitors through mere deficiency of judicial power! Another of the modes in which this delay operates to defeat justice is in compelling parties to compromise their suits from inability to bring them to a decision. It appears from the evidence of Mr. Field, that out of 1366 adverse causes, not much more than 300 are set down to be heard, and less than 200 are actually heard—the rest are compromised or abandoned. It may be thought that a settlement by way of compromise may be no evil, but the contrary, and so it is when the compromise is fair. But observe how the delay affects the terms of compromise—I have a claim for 1000*l.* which can be recovered only in Chancery. The debtor knows that I cannot possibly obtain a decree in less than three years, that he may probably be able to delay the original hearing much longer; that if it depends upon an account to be taken, however simple, he can withhold payment for more than twice that time, and an unascertained balance carries no interest. He knows, therefore, that it is worth my while to take half my just demand, rather than to wait for eight or nine years it may be, and recover the whole amount at the expense of extra costs, which I may have to pay, to an amount perhaps equal to the difference. He offers me therefore, as a fair compromise, in lieu of a present value to which I am entitled, the value of a reversionary interest, and if I am wise I shall accept it. But the delay not only occasions the resistance to just demands, it sometimes prevents the abandonment of claims which are unjust. A man files a bill in which he finds that he must ultimately be defeated, and be charged with the costs of the suit; but he knows that the death of either party may save him from the payment, because a suit cannot be revived for costs alone, and he therefore protracts the suit by all possible means, and takes the chance of one party or the other dying in the long course of years through which he can extend the litigation. So it fares with causes actually instituted; but the greatest evil is the utter exclusion from relief of all parties, whose demands are not of large amount, or who are too poor to bear the expense of such protracted litigation. It is stated in the petition of the solicitors, which I had the honour to present this evening, that practically there is no remedy in the Court of Chancery if the sum to be recovered is less than 1000*l.*; that it is better for a smaller sum to submit to the loss rather than to incur the risk and expense of prosecuting the claim. Now let the House observe to what a vast number of cases a court of equity alone can afford relief. If you have a legacy to recover, a trustee to call to account, a partnership difference to adjust, a mercantile account to investigate, in all these cases, and a multitude of others, a court of law can give no redress, or no adequate redress; and yet to all but wealthy suitors the doors of a court of equity are closed. For the poor man, in all those cases in England, there is no justice. The extent, the enormous extent, of this mischief appears from contrasting on the one hand the number of bills filed in Lord Hardwicke's time, with those filed now; and on the other, the amount of the property under the care of the court in Lord Hardwicke's time and now. In 1750, the earliest year at which I have the returns, the number of bills filed was 1744; in 1839, it was 1750. Now, let it be recollected how prodigious has been the increase in population, in wealth, in commerce, in the complication, variety, and intricacy of transactions, out of which questions upon rights of property arise, during the last century; and still, there has been scarcely any increase in the number of suitors. Yet, so far from the arm of the Lord Chancellor having been shortened during this period, this court has gone on from year to year accommodating itself to the exigencies of society, and gradually extending its authority till it has absorbed within its jurisdiction nearly all the property in the kingdom. There is no considerable landed estate, which is not subject to trusts which courts of equity only can control. There is no personal estate in the disposition of which, on the death of the owner, difficulties arise, which can be administered except through this medium; and yet, the number of bills filed, is scarcely increased. How is it possible to account for this, except on the hypothesis that the enormous expense and delay of the court exclude all small suitors from justice. The different nature of the causes now and in Lord Hardwicke's time, may be judged of from the amount of the funds standing in the name of the Accountant-general at the two periods. In 1750, it was 1,665,160*l.* 18*s.* 4*d.* It is now above forty-one millions. And this is the personal property alone. The real property is perhaps much larger. There is in this court, complete justice for the rich—for the poor, there is none at all. Now, I ask, is this a state of things which ought to be permitted to continue for one single hour? Is a Government justified in permitting its continuance, merely to escape from a night's debate in the House of Commons? I put the question to those Members who think that matters, which affect the well-being of the people, ought to be of some account with their representatives, and that the due administration of justice is essential to that well-being. I ask them, whether these things, however inferior in importance to party questions, are not still of some moment, and whether, after devoting six months of eager debate to what interests ourselves, we ought not to allow as many hours to what interests the people? I put the question to those Ministers who told us in the King's Speech of 1836, that "the speedy and satisfactory administration of justice is the first and most sacred duty of the Sovereign." I repeat, that the country has a right to know the true reason why a measure, which was calculated to put an end to such grievances, was thrown overboard by the Ministers, as it at present appears, in mere indolence or caprice. Sir, it has been said, that the appointment of two additional judges would not have remedied all these evils, and unquestionably it would not; but the rejected measure contained also the provisions embodied in this bill, which are probably of still greater importance than the appointment of additional judges, or the alteration in the Court of Exchequer. Yet these, but for the energy of Lord Brougham, would have been equally lost to the country. I will venture, with the permission of the House, to offer some observations on the evils which appear to me to exist in the Court of Chancery, and to be capable of correction without the appointment of additional judges, or any alteration in the Court of Exchequer; in order that the House may judge how far the bill now before us is adequate to remove these evils, or how far it may be necessary for the House to arm the committee with additional power to make it adequate to the purpose. To begin with that branch of the profession to which I myself belong, I think that much, both of expense and time, may be saved by some alteration in the practice with respect to counsel. At present, except orders of course, many of which perhaps might be dispensed with altogether, no order can be obtained from the court, though all parties consent to it, without the intervention of counsel. The consent orders thus obtained, are extremely numerous; more than half the petitions are of this character, and a considerable proportion of the motions. Now, it is not merely the expense of the fees to counsel which the client has to pay, but each counsel must have a brief, and when the parties are numerous, the costs become extremely heavy. Indeed the expense is much the same, whether the application is consented to or opposed, unless in case of opposition, there is a dispute about facts. Now it does appear to me, that in very many, if not in all of these cases, the appearance of counsel is unnecessary, and that the expense of their briefs and fees might be saved. I can see no objection to the order being made by the judge upon a petition addressed to him with the consent of the parties certified by their solicitors, upon whose instructions counsel, if they appear, must entirely rely. The necessary affidavits might be sent with the petition, and if, in any particular case, the judge thought it necessary, the attendance of the agents might be required. Another alteration in the rules with respect to counsel might also, as it appears to me, be adopted with advantage, and with great saving to the suitors both of time and money. On a trial in a court of law, only one counsel addresses the jury. In the argument of a point of law on a special case, only one counsel addresses the judges. In the privy council, the ultimate court of appeal from some of the domestic and all the colonial tribunals, where mixed cases of law and fact of the utmost complication and difficulty are decided, only two counsel are heard to the same point. In the House of Lords, the ultimate court of appeal from all other tribunals, including the Court of Chancery, the same rule is adopted, however numerous the parties may be. But in the inferior court, in the Court of Chancery itself, there is no limit to the number of counsel. Each party may be heard by his own counsel to each point, and he may be heard by as many as he thinks fit to retain. It sometimes happens that seven or eight gentlemen employed for different parties, address the court in succession on the same topics; and as no two probably have heard what has been said by those who have gone before them, the same facts, and the same arguments and authorities, are repeated again and again, exhausting alike the patience of the judge, and his time which belongs to the public. I can see no reason why this practice should continue; or why the same rule which is found useful in the superior courts, should not be adopted in the inferior. These may perhaps be thought trifling matters, but there are other improvements in the practice of the court by which far greater good may be effected. There are cases in which, singular as it may appear, by straining to an excess a principle, which is at the root of all justice, the most serious injustice is actually done. If there be one principle in the administration of law which would seem to require no qualification, it is the rule that no man's interest shall be affected without his being heard. And yet, as this rule is acted upon, it is the most fruitful perhaps, of all sources of expense and delay—of needless expense and delay. If a landed estate is to be dealt with in the Court of Chancery, all persons who have an interest in it must be brought into court before it can be touched. Now these persons are often extremely numerous. Take the most familiar case. A gentleman of landed property devises it by his will to trustees—he charges it with the payment of portions to his younger children, and legacies and annuities to his friends and servants, and subject to these encumbrances he gives it in trust for his eldest and other sons in succession, and their issue. There is no question about the sufficiency of the estate to satisfy all the charges a hundred times told, yet if the trusts of this will are to be executed by the Court of Chancery, all these persons, trustees, and *cestui qui* trusts, children, friends, and servants, must all be parties to the suit. But it not improbably happens that the children's portions are also in settlement, and if so, the trustees of their settlements, and the parties interested under them, husbands, wives, and children, must equally be parties. Nor is this all; if during the pendency of the suit any of these innumerable parties die, or children taking an interest are born, additional bills of revivor and supplement are necessary, till at last the record is so encumbered that any effectual progress in the suit becomes almost impracticable. Each party may employ a separate solicitor and counsel, and costs are accumulated to an extent which no moderate estate can bear. Now what is the cause assigned for this most ruinous practice? Why a principle in theory unimpeachable, that the interests of all these parties may be affected by the decision, and therefore they ought all to be heard. It is said, that the court cannot tell that the estate is more than sufficient to pay the charges, and that therefore a legatee of 20*l.* must be present at taking all the accounts in the master's office, by which the fund subject to his demand, and the amount of the charges upon that fund are to be ascertained, and that if a question arises on the construction of the will, he has the same right to be heard in defence of the fund on which his 20*l.* is charged as the owner of the estate itself subject to the charge, though the estate may be worth 20,000*l.* a-year. Yet it is very obvious that the legatee of 20*l.* might safely trust the defence of the estate to its owner, who cannot protect the 20,000*l.* a-year without protecting at the same time the 20*l.*, and that the only real consequence of the rule to the favoured legatee is, that his whole 20*l.*, and much more, is absorbed in the extra costs of the suit, which he has to pay. But what makes this rule the more unreasonable, is, that if the estate be held by a legal and not an equitable title (a distinction hardly intelligible to any persons but lawyers), and the question is tried at law, none of these parties can interfere; the title is defended by the party in possession, or asserted by the party claiming the possession, and they, and they alone, can be heard. Nay, in the Court of Chancery, if instead of real estate the property happens to be personalty, a totally different rule prevails. If a personal estate of a man who dies worth a million, if administered, the executors are considered sufficiently to represent the interests of all parties, creditors, legatees, and annuitants, and yet precisely the same argument might be used with respect to the doubt as to the sufficiency of the fund, and the interest of every legatee to see that the accounts of the estate are properly taken in the master's office, which, with respect to land, is thought to require the presence of all these different parties. Nay, if the land, instead of being held in fee simple, is held for 1000 years, then it is personal estate, and is sufficiently represented by the executor. Now, under wills the same person is most commonly both trustee and executor. Whatever be the amount of the property—however enormous—if it be leasehold, one defendant is sufficient, if there be an acre of freehold a hundred other parties become necessary. Surely, there is no sense nor convenience in acting upon rules so opposite, in cases substantially the same; and I can see no sufficient reason why the trustee in such cases should not be deemed to represent the real estate, as completely as the executor represents the personalty. In cases where there is no trustee, some other arrangement would be necessary; but in all cases of this description, I have little doubt that a most important reduction may be made in the number of parties, and that the expense and delay of such suits may be diminished to a very small part of its present amount. The same principle—the apprehension of affecting the interest of parties in their absence—has introduced another, and, perhaps, still more crying evil, the endless multiplication of useless references to the master. The rule upon this subject is unfortunately applied indifferently both to real and personal property. A legacy is given to a class—for instance to the children of John Thompson—John Thompson and his wife are before the court, and say we have six children, neither more nor less. The six children are present, and say here we are, all brothers and sisters, and we have no other brothers and sisters. The executor or trustee is present, and says I have known the family all my life, there are six children, neither more nor less. A witness, or half-a-dozen witnesses, swear to the same thing—but all in vain. The judge is incredulous—he says, I must have this matter inquired into by the master; and forthwith the cause is despatched to Southampton Buildings. Here the point being one about which there is neither doubt nor dispute, about which all parties are agreed except the judge—the inquiry occupies a comparatively short time—perhaps not above twelve months—particularly if the parties are fortunate enough to get into the office of my hon. and learned Friend opposite, the Member for Galway. The master having looked into the evidence which was before the court, and probably none other, is, of course, satisfied that John Thompson has six children, and no more; and upon his report the court is satisfied also. But the cause is to be set down again in the paper, and must wait its turn, and at the end of another two years, if fortunately no change happens in the interval to John Thompson's family, his six children obtain their rights; having waited three years, and paid the expense of an inquiry and a double hearing, without the slightest advantage to anybody. This practice of referring matters to the master without sufficient cause, is carried to a most mischievous extent in a multitude of other cases, and has strong recommendations to a judge, who is more desirous of the credit of dispatching business than scrupulous about the mode in which it is disposed of. A cause is got rid of for the day, it disappears out of the paper; it counts amongst the "causes heard and otherwise disposed of," and swells the return of business done by the court. But it is a most false credit, acquired, not by dispatching business, but delaying it; by denying justice, instead of administering it. The rules, however, having been established, no individual judge, however much he may feel the grievance, considers himself at liberty to depart from them. Sir, by alterations on these points—by reducing the number of counsel, the number of parties, and the number of references to the master—I venture to think that most important savings may be made, both of time and of costs, and yet these are but a few of the instances in which the practice of the court, may, in my humble opinion, be usefully reformed. But having trespassed so long on the attention of the House with these details, and having still to trouble them with matters connected with the officers of the court of still more importance, I dare not dwell longer on a subject so technical as this. With respect to the officers of the court, some returns have very recently been laid before the House—which often asked for, but long withheld, have at length been obtained by the perseverance of the hon. and learned Member for Cockermouth. The return which I hold in my hand bears the name of Mr. Aglionby. These returns, I confess, have filled me with astonishment, and, I think, will occasion some surprise to the House. There are certain ancient officers of the court called Six Clerks, who formerly acted as solicitors, and by whom, in that character, all the business of the court was transacted. To assist them in performing these duties, they had a certain number of sworn clerks, once sixty, now, I believe, reduced to twenty-five. They were, in truth, the only solicitors recognized by the courts, and, accordingly, to this hour, every party in a cause in Chancery is obliged to appoint one of the sworn clerks as his clerk in court, or nominally as his agent, to represent him through the progress of the suit. But so entirely is the real office of these gentlemen, both six clerks and sworn clerks, changed, that their duties now consist, as far as I can discover, of what I am about to describe to the House. The duty of the six clerks consists in signing their names on the records—the bills and answers, pleas and demurrers which are filed. If a six clerk is for the plaintiff, he signs his name on the bill—if for the defendant, on the answer—but as the form is purely useless, and serves no purpose of authentication, or any other, it is thought unnecessary for more than one six clerk to attend the office at a time; and whoever is in attendance signs all the records for all the plaintiffs and all the defendants, signing his own name for the party for whom he is nominally concerned, and the name of one of the other six clerks (per procuration, as it would be termed in mercantile phrase), for the opponent party. For this useless ceremony, it appears that these gentlemen received, during the last year, in the shape of fees alone (in addition to other emoluments, to which I shall afterwards advert), a net sum of 1,122*l.* 10*s.* each. Such being the duties of the six clerks, the proper duties of the sworn clerks would seem to be still less.

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* From a corrected Report, published by Stevens and Norton.

> "Si minus esse potest quam quod nihil
> esse videmus,"

As far as I can understand the matter, the only duty which the sworn clerks have to perform as properly belonging to their office, is to receive and transmit to the solicitors all notices from time to time given in the course of a cause. If a solicitor and his opponent reside in the same street at Mile-end, the simple course would seem to be, to serve the notice at Mile-end; but this the court does not allow. The notice must be sent up from Mile-end to the clerk in court, in Chancery-lane, in order that the clerk in court may return it in due course of post, to the solicitor at Mile-end. And for duties such as these, with the addition of one to which I will advert, not properly belonging to their office, what does the House suppose is the gross amount of fees received by these officers, and paid by the unfortunate suitors? The return of the last year makes the amount no less than 59,967*l.* 6*s.* 9*d.* Of this sum, 8,205*l.* 4*s.* 6*d.* is stated to be accounted for to the six clerks, and to constitute the amount of fees paid to them, to which I have already alluded. The remainder, after deducting 363*l.* 15*s.* 1*d.* stated to be paid "to the bag-bearer and others," is retained by the sworn clerks. Now how are these fees constituted? The statement of these details will show at once the enormity and iniquity of the tax which is thus levied on the suitor. The sum of 27,197*l.* 11*s.* 3*d.* appears to arise from copy money—from the charges for copying all the bills, answers, &c. which are filed, those copies being the only copies which the court will recognize. Now the actual expense of making copies was computed some years ago, on occasion of certain alterations which were made in the masters' offices. It was then thought that 1½*d.* a folio was a fair charge to be allowed, and it appears from the masters' returns, also laid before the House during the present Session, that out of this sum the masters' clerks make a clear profit, varying from 300*l.* to between 600*l.* and 700*l.* a year. It must, therefore, be considered, to say the least of it, a liberal allowance, But what is charged for the same thing in the six clerks' office? Not 1½*d.* but 10*d.* a folio; 10*d.* for every folio of ninety words, which may be copied for 1½*d.* and leave a large profit! Of this sum of 10*d.*, I believe 3*d.* is paid to the six clerk, and out of the 7*d.* the clerk in court pays the actual expense of making the copy, which, I suppose, is about 1*d.* and the rest appears to be all profit. Another source of the enormous income of this office consists of term fees. These, in the last year, were in number 42,999. The amount in money is not stated, but, I believe, the fees are 6*s.* 8*d.* each, and if so, they would give a sum of 14,333*l.* These sums, as far as I can learn, are not paid for any duty, real or nominal, but become due to the clerk in court, in each of the four terms in the year in which any step is taken in the cause. In addition to this, term fees (I believe of much larger amount) become due in each term to the solicitors, and I request the House to observe how strongly this tells upon the expenses arising out of the years of delay, which are at present occasioned to the suitor by the want of judges to hear the arrear of causes. I rejoice to see that the noble Lord, the Secretary of the Colonies has returned to the House. He will have an opportunity of judging, from this instance alone, of the enormous evil inflicted on the public by the rejection of the late bill, and I persuade myself that he has returned to the House in order to disclose to us a secret, at present, as it should seem, not revealed even to his colleagues, but reserved, I trust, for this House, why, when such evils were to be remedied, and the remedy was offered, he refused the benefit of it to the people. I have no disposition to offer any compliment to the noble Lord, but I must say that I regret that he left the Home Office before this question arose. I believe that he has a real desire to improve the institutions of the country, and I cannot think that if he had known the real state of the case, he would have incurred the responsibility of rejecting the late bill. The remaining item in this astounding return, is 8,994*l.* 10*s.* received for taxation of costs. Now this business, I believe, is actually done, and the amount fairly earned. But the whimsical part of the case is, that the only duty which the clerks in court really perform, is that which ought to be, and to appearance actually is, performed by the masters. It is to them, as my hon. and learned Friend, the Member for Galway, will satisfy the House, that all bills of costs are referred for taxation. It is by them that on all their reports, the costs appear to have been actually taxed, so that of the vast amount received by these officers, about 9,000*l.* a-year appears to be paid for doing the business of other people, and the rest for doing nothing or next to nothing. Now, I beg not to be understood as casting the slightest imputation or reflection upon any of these gentlemen, either six clerks or sworn clerks; they are not open to any; they only do nothing, because they have nothing to do; they have very excellent places, which they are quite right to keep, as long as the Legislature will allow it, and they act in no other manner than any Gentleman in this House would act in the same circumstances. But is this system one which should be endured? We have heard complaints of sinecures—of pensions. The hon. Member for Kilkenny, has often descanted upon them. Has he looked at these returns? Has he observed the sums which individuals in this office receive for duties such as I have described?—gentlemen highly respectable undoubtedly, but with no claim of any sort or kind on the profession or the public. The gross amount of one gentleman's return, I perceive, is, for the last year, 8,130*l.* 8*s.* 6*d.*; of another 9,645*l.* 6*s.* 8*d.*; of a third, 10,879*l.* 3*s.* 10*d.* This last return, after paying every expense, would leave, as I calculate it, a clear sinecure of above 7,000*l.* per annum—more than the salary of any Cabinet Minister! half as much again as the pension of a Lord Chancellor. Yet, as if in this office the Legislature took a pride in augmenting sinecures instead of reducing them, observe what has happened with respect to the six clerks. In 1832, some alteration being made in their fees by the establishment of a bankruptcy court, they obtained, as compensation allowed under the act from the Lords of the Treasury, 52*l.* per annum each for life. But in 1833 another act was passed for abolishing fines and recoveries, and substituting in their stead deeds enrolled in Chancery. This act, it appears, put into the pocket of each six clerk, by means of fees paid for doing nothing, a considerable addition to their incomes arising from fees on enrolments; the amount of the addition does not appear. The total amount of fees paid to each six clerk for enrolments in the last year was 527*l.* 10*s.*, and in the preceding year 545*l.* and yet they are receiving compensation for a loss to the extent of 52*l.* while their income has been thus most improperly, and, I believe, on the part of the Legislature, most unintentionally, increased. It does seem to me, that the whole of these offices, with their enormous profits, ought to be altogether swept away, making, of course, to the fortunate holders, a fair compensation. I now come to an office of a different description, which, I confess, I approach with reluctance—I mean the Masters' Office. I have the honour to be personally acquainted, more or less, with all those gentlemen, and with many of them, am fortunate enough to be on terms of friendship and intimacy. Speaking of them generally, I sincerely believe that more amiable, or honourable, or conscientious men do not exist, and several of them are very excellent lawyers; and yet it is impossible to deny, that it is against their office more than any other that the opinion of the profession is directed. According to that opinion—

Umbrarum hic locus est—somni noctisque soporæ.

The system appears to be contrived to damp all energy. Which of the ordinary motives to exertion is left to operate on the minds of the masters? Secluded in the recesses of their dark chambers—exempt from the control or inspection of the judges—relieved from the competition of the bar—independent of the opinion of the solicitors, and their proceedings totally unknown to the public—acquiring no credit by diligence or ability—incurring neither loss nor censure by indolence or inattention—with nothing to hope and nothing to fear—can any men be placed in circumstances so unfavourable to exertion? Can it be expected that they should themselves perform the irksome duty of unremitting attention to subjects the most unattractive, or rigidly discharge the duty, perhaps still more irksome, of stimulating and compelling to constant activity the parties who attend them—the solicitors and their clerks—all affected, more or less, by the *genius loci?* This control over the practitioners before them, is perhaps more material than any thing else in order to prevent the delays in the office. I know not whether, under the present system, the masters possess the power of control — certainly it is not exercised. The course of proceeding is described by Mr. Field, who very fairly attributes to his own brethren, the solicitors and their clerks, the principal share of the blame. He tells us, that they attend the master or his clerk (who really does the greater part of the business), when they have nothing else to do; that any excuse is sufficient for neglecting to attend a warrant; that it is considered a want of courtesy for a solicitor to insist upon any thing like strictness in such matters; that three or four warrants are often taken out before any one is attended, the clerks settle it amongst themselves, and the master does not interfere. What is the effect of this? Why, that which might be done in an hour, occupies weeks, and the business of weeks is protracted through years. It appears from the same authority (Mr. Field's pamphlet) that warrants can only be obtained at an interval of several days—that there are only about 180 days in each year on which warrants are made returnable, and that a warrant is generally an appointment for half an hour only. Let any merchant or man of business consider how soon a long and intricate account, extending through a series of years, is likely to be settled by such a course of proceeding, by the devotion to it of half an hour or an hour at a time at intervals of days—weeks—months; when, probably, at each succeeding meeting, what passed at the last is forgotten, or denied, or disputed. It is rather to be wondered at, that, with such a system, accounts are ever taken—difficult inquiries as to facts ever answered—than that matters of this kind only emerge after a lapse of years, from the offices in which they have so long slumbered, and that many of them sleep there the sleep of death, and never emerge at all. In the absence of all other control over the masters, the Legislature has provided that they shall make returns to the Lord Chancellor of the days of their attendance at their offices, and the number of hours of each day's attendance. These returns, as I understand it, are made out from a register kept by their clerks, in which are entered the days of their attendance, and the earliest and latest warrant on each day which is attended before them. I say nothing of the delicacy of this mode of dealing with gentlemen in *quasi judicial* situations, or of the position in which it may place them with regard to the clerks in their office. But it is obviously quite inefficient for its purpose. The master may be absent from his office during the whole interval between the first warrant and the last; the return leaves it quite uncertain whether the master is in his chambers or in the public office—or, if in chambers, how he is employed there. I hold in my hand an abstract of these returns for the last two years, which has been laid before the House during the present Session. There appears to be a great difference between the degree of labour which the different masters devote to the performance of their duties, at least, if it is to be measured by their hours of attendance. The lowest return for the year 1839, is "176 days, and the average number of hours per day, nearly three and three quarters." The highest return, that of my hon. and learned Friend opposite, the Member for Galway, is "211 days, and six and a quarter hours on an average per day," rather more than double the other. Now, without detracting from the credit due to my hon. and learned Friend, I cannot help thinking, that the superiority of his attendance may, perhaps, in some degree be attributed to his having a seat here; and it is a counterpoise to considerable inconveniences which have sometimes appeared to me to attend the sitting of Masters in Chancery in this House. No man would like to face in the House of Commons a very unsatisfactory return. But is a system, a fit one to be maintained, which places the diligent and the indolent in precisely the same situation, and leaves it entirely at the discretion of the individual, without check or control, to devote just as much, or just as little time and attention as he pleases to his duties, even though his office should be choked with business? But, Sir, I have no hesitation in saying, that in my opinion, much more time ought to be given to the public by these offices than is allowed by the present arrangements. They ought to be kept open many more days. Instead of closing whenever the court is closed, and sometimes sooner; they ought, in my opinion, to open sooner, and close later. The time which may be employed in court by a judge in equity, furnishes no criterion at all of that which may fairly be required from a master in chambers. It is said, that the average attendance of the masters is about five hours, and that some of them attend as many days at chambers as the Master of the Rolls and the Vice Chancellor sit in court. Supposing that to be so, still there is no sort of comparison between the labours of the judges and the masters. The whole time of the judge, during his sitting, is bestowed entirely upon his business. His attention can never be diverted or relaxed for an instant, and the fatigue of this unremitting application of the faculties for five hours a day, is said to be as much as almost any mind can, for a continuance, undergo. The judge's labours, so far from terminating with his sitting in court, often become then only more severe. Questions are constantly pending before him for decision on the most complicated and difficult subjects both of fact and of law—questions often of enormous value in point of property, upon which the wealth or ruin of families depends, attended with the most painful sense of responsibility to the judge, and requiring the utmost exertion of all his diligence and mental powers to enable him to arrive at a correct determination. In order to do his duty properly, he may, perhaps, be obliged to bestow as much time upon a case out of court as in it. But the master's duties are of a totally different character; the far greater part consist of matters which require no mental effort at all—involve no doubt or difficulty—so much, indeed, is this the case, that a large proportion of the reports is, I believe, prepared by the master's clerks. I cannot see why the public should not expect from the masters the same exertions which the class from whom they are usually taken—the equity draftsmen—are compelled to make to secure the same income. I know something of Chancery drawing, and I will engage to say that no man can make by it 2,500*l.* a-year, without a very different expenditure of time and labour from that which is described in any of these returns. The early closing of their offices is of the utmost inconvenience to the suitors. The Court of Chancery is about to rise next Saturday—I must take the liberty of saying, in my humble opinion, a great deal too early, considering the mass of pressing business which will be left undisposed of; —but even of those orders which will be made many will remain inoperative, because they involve references to the master in order to give them effect; and the masters will cease to attend their offices as soon as the court rises, or sooner. It does appear to me that nothing can ever be done effectually to expedite the business of the Court of Chancery, till a complete alteration is made in the whole system of the masters' offices. It should seem, that in former times the obstruction was rather in the offices than in the court itself. We know that as early as the time of Swift and Pope the delays and expenses of this court were the subject of satire. Gulliver, I think, tells us that amongst other subjects on which he was examined by the King of Brobdignag, his majesty made inquiry about the Court of Chancery. "Now," says Gulliver, "I happened to be particularly well qualified to give his majesty information upon this point, my father having been totally ruined by a suit, in which, after twenty years litigation, he had obtained a decree in his favour with costs." Yet at this time there was no great delay in the judges of the court, few causes appear to have been then in arrear, and the delay must have been elsewhere. Sir, I should be sorry that the present masters, for whom I entertain sincere respect, should take amiss what I have felt it my duty to say of their offices. I make no complaint of them personally, but of the system,—for which they are not responsible; and I trust they will feel that it is only by a full exposure of the evils of that system, that we can hope to see such improvements made in it as will make the offices themselves infinitely more useful to the public, and, therefore, at the same time more honourable, and I doubt not more agreeable to the holders. Sure I am, that until this is done, the masters will never occupy in public opinion the station which they would then fairly claim. Sure I am, that unless the most searching inquiry is made into the existing evils in the present system of the Court of Chancery, in whatever quarter they may be found, that scandal and opprobrium will never be removed from the court, which all connected with it must be anxious to shake off. In the long statement with which I have troubled the House, I have pointed out some of those matters which, I apprehend, may require correction, and which by this bill as it stands, or as on recommitment it may be made, the Lord Chancellor will be empowered to correct. Whether any additional judicial power should be given by it, I leave to the consideration of those who have the charge of it. To introducing into the present bill any alteration in the Court of Exchequer, or any provision for a permanent new judge, I, for one, under existing circumstances should object. However desirable those measures may be in themselves, they could not, in my opinion, after what has passed, be properly proposed again during the present Session. But without any such alteration, I think infinite good may be done by this bill. The powers to be given to the Lord Chancellor will be necessarily most extensive—all but legislative— and I trust they will be as fairly exercised as they are liberally bestowed. The responsibility will be commensurate with the powers. Their exercise will be watched by the House with constitutional jealousy, but by me, at least, without apprehension or suspicion. The Lord Chancellor will have the assistance of most able and zealous coadjutors, and the support of public opinion. However strongly opposed to him as a politician, I have never refused to bear my humble testimony to his merits as a judge; and I have no hesitation in saying, that if he applies to the discharge of the duties to be confided to him by this Bill, the same temper and firmness, the same ability and knowledge of his subject which he exhibits in his judicial capacity, he will establish a juster, and, therefore, a more lasting claim to the respect and gratitude of his countrymen, than it has been in the power of any Judge, within living memory, to acquire. He will remove all the abuses which this Bill will place within his reach, and he will leave to his colleagues in this House, who abandoned the larger measure, and to this House which has sanctioned the abandonment, the shame of continuing those grievances which that larger measure alone could have redressed.

Lord *J. Russell* expressed his admiration of the knowledge of the subject displayed by the hon. and learned Gentleman who had just sat down, and the judicious and skilful manner in which he had dealt with his materials. He had always been impressed with a deep sense of the difficulty of effecting any reform in the Court of Chancery. He had always considered that subject the peculiar domain of the gentlemen who practised there, and who were so much engaged in the defence of the whole system, that any attempt at its reformation would be hopeless. Any person attempting to introduce a measure of Chancery reform, might be a year or two years engaged in the task, and if at length he proposed his remedies in that House, he might be convicted of gross ignorance on some part of the subject by some learned gentlemen who had devoted his whole life to the practice of the court. It was, therefore, with double pleasure that he had heard the hon. and learned Gentleman, whose standing in the Court of Chancery was exceedingly high —no man stood higher—stating in their full enormity the abuses which existed in it. Whatever might be the hon. and learned Gentleman's opinion with regard to the abandonment of the bill, he could not help feeling very grateful to him for the exposition which he had made to the House. With respect to that bill, which he had last week stated his intention to withdraw, he was not aware that the appointment of the two additional judges contemplated in it would put an end to the existing sinecures of the six clerks, and the other iniquities to which the hon. and learned Gentleman had alluded. That bill proposed no direct remedy upon this subject. What was the history of this bill? It was introduced in the Lords early in the session. On the 7th of April its second reading was adjourned *sine die.* Their Lordships then appointed a committee, which sat for a considerable time; and on the 16th of July the bill was read a third time, and sent down to that House. It was a bill affecting a court with respect to which there were various opinions, which was connected with the highest court in the realm—the Court of Appeals in the other House, and with the high office of Lord Chancellor, partaking of a political as well as a judicial character. On the 16th of July it came down to the House of Commons. Many Members, thinking that the chief business of the session was then over, were preparing to leave town; others had left it previously. Having thus occupied the Lords from the month of April to the middle of July, if, notwithstanding, it were the unanimous opinion of the House of Commons that a remedy should be immediately applied, he should cordially support his hon. and learned Friend, the Attorney-general, who was ready to proceed with the bill. But that was not the case. A right hon. Gentleman fully qualified to discuss all the intricacies and difficulties of the subject (Sir E. Sugden) had immediately asked whether the bill would be proceeded with, and upon receiving an answer in the affirmative, gave notice of a motion that "it was the duty of the House, in the first place, to provide for the more satisfactory administration of justice in the House of Lords and Privy Council." In this motion the right hon. Gentleman would no doubt have received a very extensive support, and had the motion been successful, it would have at once put an end to the bill. His (Lord J. Russell's) reply to the right hon. Gentleman was, that there being many other bills of importance to send up to the Lords, he could not proceed with it before the 30th of July. The right hon. Gentleman then stated, that if the bill came on for discussion, he should think himself justified in taking advantage of all the forms of the House to prevent it from passing into a law. He said, that he hoped the right hon. Gentleman would not take that course, on which the right hon. Gentleman intimated that he would. If under such circumstances he had proceeded, he must have postponed several other important bills, and it would probably have been finally passed with great difficulty. The question of compensation to the officers of the Court of Exchequer was a question to be considered and dealt with on its own merits. In reference to the remarks which the hon. Gentleman had made on the subject of the withdrawal of the bill, he begged to say that the reproach had hitherto been, that they had hurried over the public business at the end of the session, and introduced bills at too late a period. But the reproach was now the other way. Whatever blame might be thrown on the Government, he hailed with pleasure this symptom of an anxiety for reforms on the other side, and whenever they felt anxious to manifest their desire to promote reforms they would not find him backward in assisting them. He did not think it advisable at present to do more than say, that the present bill empowered the Lord Chancellor to amend the regulations of his court. An excellent opportunity would thus be afforded next session of appointing additional judges with the advantage of an improved system. He would not disguise his opinion that he thought the present constitution of the Court of Chancery most unsatisfactory. It was impossible that the public could be satisfied, so long as this court was without judges constantly bound to attend. According to the present arrangement, counsel were engaged, and all other expenses incurred, but the judge, having some engagement elsewhere, did not come to the court, and the parties were involved in all these expenses and loss of time for no other reason than that no one was bound to come. When this was the case with regard to the judicial committee of the Privy Council, that the sitting of the judge was a matter of mere chance and caprice, he certainly thought that it was a discreditable, if not a disgraceful, state of the great courts of this empire. With regard to the bill introduced by the Lord Chancellor, three or four years since, for disconnecting the civil and political functions of the Lord Chancellor, and for the appointment of a permanent judge, considering the immense importance of the functions of the Court of Chancery, the immense benefit which it rendered to persons possessing property throughout this kingdom, the vast control which it exercised over the monied interests of the country, it did appear to him to be the common sense of the subject that there should be, as in the Queen's Bench and Common Pleas, a permanent judge at its head. Let them take into consideration the high personal character of the present Lord Chancellor, and remember how, by the vote upon the Jamaica question last year, they might have lost his high legal and judicial qualities for no reason whatever but the fact of a political change. He should say the same thing of a person of opposite politics; and he begged to ask, whether this was not a misfortune, and a fault in the constitution. They had had an unfortunate example in the case of Lord Hardwicke, a very great judge, perfectly able to deal with all legal questions, but on political questions, opposed to the colleagues with whom he acted, and continually labouring to thwart and overthrow them. That was a misfortune to the politics of the country. It was plain that they could not satisfactorily combine these two characters. They must have either a straightforward, unflinching man, or one who would go between both political parties, and thus strive to maintain his position as the highest legal functionary in connection with two or three successive Governments. He considered this to be a fault both legally and politically. The remedy for it he would not then enter into, for it was a question of the greatest difficulty. To deprive the Administration of an individual of the highest legal authority, who would give to it the weight of his authority, was in itself a great mischief; but to get rid of that mischief was, he repeated, a matter of great difficulty, and when this question came to be debated, was one which could not be overlooked. He had, therefore, come to this conclusion—that, though he was glad that the House of Lords had at last agreed to apply a remedy to some of the evils of the Court of Chancery, he had still greater reason to be glad that the hon. and learned Gentleman opposite had pointed out other considerations, which must make Parliament determined to carry still further its reforms on this subject. He therefore thought, that he had not acted wrongly in proposing that the former bill on this subject should be relinquished now, in order to be introduced in a more extensive shape in the next Session of Parliament. In that shape, he would introduce the subject at the earliest period next Session; and he thought that then the House would have an opportunity, of which it ought to avail itself, to consider seriously all the questions connected with it. If the hon. and learned Gentleman's Colleague (Sir E. Sugden) would then move for a committee of inquiry, though he had resisted such inquiry this Session from a persuasion that it was merely proposed as a measure of delay, he would not object to it, considering, as he did, that it was intimately connected with matters which required the immediate consideration of Parliament.

Mr. *Hume* said, that in the whole course of his Parliamentary experience, he had never heard two speeches which had given him greater satisfaction than the speech of the hon. and learned Gentleman opposite, and the speech of the noble Lord. He should have been glad had this bill been carried during the present Session, but he considered, that the pledge of the noble Lord, that he would carry it in the next Session, was eminently satisfactory. He hoped, that the noble Lord would redeem that pledge, and let the public have the benefit as soon as possible of the reforms which he had promised. He was still of the same opinion which he had declared in the committee, namely, that the office of the six clerks ought to be abolished, and he was sorry that he had not had sufficient weight with the noble Lord to get that proposition carried into effect.

Mr. *Lynch* said,* considering the situation I have the honour of holding, I trust the House will, even at this late hour of the night, and this late period of the Session, bear with me for a very short time. We must all regret, that the opportunity was not afforded to my hon. and learned Friend of delivering the speech he has just made, upon going into committee upon the bill that has been withdrawn, a more fitting occasion than the present upon going into committee on a bill giving us only an instalment of those benefits intended by the Lord Chancellor, and the other House of Parliament, to be conferred on the suitors and the public at large. I concur in every regret expressed by my hon. and learned Friend at the withdrawal of that bill, I concur in everything he has said respecting its great importance and unquestionable utility, I concur in every thing he has so well and so eloquently said respecting the mischievous effects of the great and unpardonable delays in the Court of Chancery, and of the great and extended misery and ruin produced by those delays, I entirely agree with him, that the judicial power is greatly insufficient, and with him I can only account, by these delays and their mischievous consequences, for the no great increase (if any) of the number of bills yearly filed since the time of Lord Hardwicke, notwithstanding the great increase of the population, the immense increase of the national wealth, the large addition to the national debt, the great creation of leasehold and other personal property, all of which must be administered by means of trusts, the creation and great varieties of different sorts of property in the same land, and the greater complication and intricacy which must ensue therefrom. But when my hon. and learned Friend throws the whole blame of the withdrawing of the bill on Ministers, I differ from him; I think they are to blame, and greatly to blame, but not wholly, I think my right hon. Friend, the late Lord Chancellor of Ireland, must come in for a share of the blame arising from the withdrawal of the bill. For, what is the history of this matter? The bill was read a second time in the House of Lords on the 11th of May, it did not come down to this House until the 16th of July. I do not mean to say, that the intermediate time was unprofitably spent, on the contrary, during that interval, the most satisfactory, the most convincing evidence has been put upon record establishing the great want of judicial power. It was read a first time on the 16th of July, and the second reading was fixed by the noble Lord, the Secretary for the Colonies on the 20th, and on that day my hon. and learned Friend, the Attorney-general, was about to propose the second reading to the House, thinking that no opposition would be offered, and that as the urgency of the case had dissipated all party feelings in the other House, so here also the same feeling would be permitted to prevail, and that the bill would pass through its stages with perfect unanimity, until he was stopped by the threatened opposition of my right hon. Friend, whereupon the second reading was fixed for the Monday following. On the Friday, however, my right hon. Friend asked the noble Lord when, with certainty, the bill would be read a second time, on which occasion the noble Lord stated, that he had intended that it should have been read a second time on the day before, or, at all events, on the Monday following, until he found it was to be opposed, that being so, and as it was a bill of great importance, and would take up much time in discussion, and as the bill had passed the Lords, it would be better to proceed on Monday with the bills that were to go up to the House of Lords, and to take the Administration of Justice Bill on the Thursday, when it would come on early in the evening. When my right hon. Friend declared, that he would feel himself bound to give the bill every opposition that the regulations and forms of the House would entitle or enable him to give, I confess I did not expect such a declaration from my right hon. Friend, and feeling the greatest interest in the passing of the measure, I was at such declaration greatly grieved, for what was my impression, and the impression of the noble Lord, but that my right hon. Friend, taking a lesson out of the book of my hon. and learned Friend, the Member for Dublin, and following his example, and the plan adopted by him last year respecting the Bank of Ireland Charter Bill, would follow the same course, and, by frequent adjournments, prevent the passing of the bill? The noble Lord had a right to act on that impression, but where the noble Lord is to blame, is, first, that he did not at all events try the question with my right hon. Friend, and secondly, when he was told by my right hon. Friend, that although he expressed himself otherwise, and too strongly, yet that he never meant to oppose the bill substantially, but to make the measure more perfect, the noble Lord ought then to have proceeded with the bill, and not have persisted in its withdrawal; no valid reason can be offered for his not so doing, and when he talks of the difficulties respecting the compensation clauses, it appears to me that he much exaggerates these difficulties. In reference to one individual in particular, however averse I might be, under the circumstances, to give compensation, if at the same time I could secure the passing of the bill thereby, and was told so by the noble Lord, and thereby prevent the heart-burnings and misery of six or nine months' longer delay to the unfortunate suitors, I would give that price without hesitation, and glad, I am confident, the poor suitors would be to contribute for that object. The noble Lord gave us no option, but withdrew the bill. Where my right hon. Friend is to blame, and much to blame, is, in not informing the noble Lord in time of his change of intention, or that his original object and meaning was not understood. And I think he was much to blame in making the reformation and alteration in the Apellate Court a *sine qua non* to the passing of the bill then before the House. It was an independent measure, and was necessary to be passed with or without reform in the appellate jurisdiction. Reform and alter your Appellate Courts, still that measure must have passed. Pass that measure, and you would not interfere with or retard the reformation in the Appellate Courts; so far from so doing, you would render the passing of such a measure more strongly and more loudly called for. When I say my right hon. Friend is to be blamed, I would be doing him the greatest injustice if I did not add, that his ultimate object, although ill-timed, was most praiseworthy, and his motives were the most pure; his anxiety to have a good Court of Appeal induced him so to act, but in supporting the bill that has been unfortunately withdrawn, he might have taken the opportunity of insisting upon the other more extensive and called-for reforms, as my hon. and learned Friend opposite has done this evening. I rejoice to find the case of the appellate jurisdiction in such able hands as those of my right hon. Friend. I rejoice to find that cause supported by such high authority, and that the plan which, perhaps rashly for a man in my then situation, a mere humble advocate at the bar, I submitted to this House in 1834, does not very much differ from that proposed by my right hon. Friend. As for myself, my opinion is unchanged, that the extensive evils of the Court of Chancery and Appellate Court, will never be effectually remedied until you separate the political character of the Lord Chancellor from his judicial,—until you separate his duties as Speaker and Judge of Appeals in the House of Lords, from his duties as Chief Judge of the Court of Chancery. The onerous and multifarious duties of the Lord Chancellor are such, that no one man can perform them with credit to himself or satisfaction to the public. The present possessor of the Great Seal feels this so much, although for years we have not had a Lord Chancellor that has given greater satisfaction, yet he lost no time in preparing a measure whereby he separated those duties,—I mean the duties as Judge of the Appellate Court and Speaker of the House of Lords from his duties in the Court of Chancery. The Lords refused their assent to that measure. If my right hon. Friend were present, I would take the liberty of asking him what expectation he had of their agreeing to his proposition now. I confess I am at a loss to discover upon what grounds it was the Lords refused their assent to that measure, particularly when I find a Committee of their own House reported, in 1823, that "There is now a manifest impossibility that any person holding the Great Seal can find the time which is required for the business of the Court of Chancery and the House of Lords, and all the other great and arduous duties of his high office;" and the more particularly when we consider the duties of the Lord Chancellor. He is a Cabinet Minister, and must attend Cabinet Councils; he is a Privy Councillor, and is bound to attend the Privy Council on all great occasions; he has to give his advice to the Secretary of the Home Department; he is Speaker of the House of Lords; he is a Judge of Appeals in that House; he has to attend the proceedings in all peerage cases; he has to peruse all patents and treaties signed by the queen; he has the care of idiots and lunatics; he has the disposition of Church patronage, and the appointment and superintendence of the magistracy. In addition to all this, he has to preside as chief judge in the Court of Chancery. Is it possible for any human being to get through all these grave and multifarious labours efficiently? Can any one man in the present state of things discharge all these duties? Separate, therefore, these duties; lessen these labours. With every argument adduced by my hon. and learned Friend in support of the withdrawn bill I entirely concur. It would be not only a waste of time, but it would be wrong in me to attempt to say anything at this moment in addition to what he has so ably said. I also pass by what he has said respecting the hearing of counsel, respecting parties, and the difference made between real and personal estate in this respect, the form of pleading, the constant recourse to references to the masters; 1st, because I very much concur with him in these remarks, and, 2ndly, because I think they are subjects much better to be submitted to the Lord Chancellor or a commission than to this House. In respect of the six clerks, the reduction to the number of two is already provided for by that important and excellent measure of Lord Brougham's, passed in 1833. I fully, however, concur with my hon. and learned Friend in the absurdity of an oversight in another Act of Parliament passed in the same year, I mean the Fines and Recoveries Act, whereby the income of these offices is very greatly increased; and what makes the absurdity greater, is, that the duty to be performed (not a very arduous duty I admit) is performed by the masters or commissioners, but nothing, or nearly nothing, is done by the six clerks. It is clear that the law, in this respect, should be altered. Neither was Lord Brougham unmindful of the sixty clerks; I believe I may say it was his intention to have introduced a measure respecting them. I agree with my hon. and learned Friend, that such offices may be dispensed with, due and adequate compensation being given to the present holders. I do not see why there should be a different mode of service of notices and orders in suits in equity from that in actions at law; but that is not the opinion of many. The late Lord Redesdale, a great legal authority, thought the maintenance of these officers essential to the good working of causes. My hon. and learned Friend says, that these officers are only occupied in the taxation of costs, and which, strictly speaking, ought to be performed by the masters. He is perfectly correct in that remark, and the sooner the taxation of costs is transferred to proper and efficient taxing officers the better. Now, as to the observations which my hon. and learned Friend has thought proper to make respecting the masters, and which has been the cause of my addressing the House on this occasion. He complains of the delays in the masters' offices; if he had made a little more inquiry—if he had not entirely forgotten what must have occurred to himself whilst practising at the outer bar—if he had consulted a little more diligently the book on which he so much relies for his facts, I mean the pamphlet of Mr. Field, he would have found that the delay is not imputable to the masters, but to the solicitors; and this is the evidence of a solicitor himself. And when I say the blame is imputable to the solicitors, let me not be understood as finding fault with them indiscriminately. In many cases, they are waiting for instructions from their clients in the country; in others, they are waiting to see the issue of a proposed compromise or arrangement; in others, perhaps, stopped for want of funds, money not being furnished by their clients. And let me here correct a very common error, that delays are advantageous to solicitors. I believe they are most detrimental, not only by the prevention of a greater influx of business, but by means of solicitors being kept out of their money; for I believe, in many chancery suits, a solicitor will be better paid by his having money laid out at 5*l.* per cent. interest. Delays are frequently caused also by the non-attendance of barristers. There is scarcely an attendance by a barrister that is strictly given on the first appointment; but are the barristers to blame? No such thing; they are detained in court, or by appointments with other masters; and I state these things, first, to show that the delays are not to be imputed to the masters, and next, to show that indulgence must occasionally be given by the masters to both barristers and solicitors. My hon. and learned Friend complains of the manner in which causes are proceeded with before the masters, of the secresy of the sittings, of the number of days they attend, and of the hours they attend. I entirely concur with him that continuity of proceeding is most desirable, but it is not always attainable, partly owing to the nature of the cause itself (for in the midst of a cause it may be necessary to let it stand over for other evidence), and partly owing to the engagements of solicitors. If the whole day should be occupied with the hearing of a cause, great injury may arise in other cases, but, when attainable, I agree that it is most desirable. A remarkable instance of this sort occurred last year in my office. In the Bury St. Edmund's case, well known to my hon. and learned Friend, a decree was pronounced by the Master of the Rolls, directing, among other things, an account to be taken of the charity estates; it so happened that there were seventy or eighty different charities all vested in the corporation of that town, or some portion of the corporation, and who were the accounting parties, and therefore seventy or eighty different accounts were to be taken; the parties, upon my requiring such accounts to be taken, despairing that it would be possible, within any reasonable time, to get through such a mass, first endeavoured to put such a construction on the decree as would not render it necessary to take an account farther back than the execution of a deed in 1810; but finding my view of the case confirmed by the Master of the Rolls, they threw up their hands in dismay. My answer was, "Do as I desire you during the vacation" (it was about this time last year); "come to me in November; I will give a whole week, and six hours each day of that week."—They attended in November; they proceeded for two days, six hours each day, and the matter was gone through in the middle of the third day. If proceeded with in the ordinary way of warrants, the taking of the different seventy or eighty accounts would have taken a year or more: so far in favour of continuity of proceedings. But see what has happened. After the taking of these accounts, it was necessary that a survey should be had of all the charity estates, which I ordered to be taken; from that day to this I have seen nothing of the parties, except in an interlocutory matter, the appointment of trustees.—Can this delay be imputable to the master? I have no doubt that, upon being questioned, the solicitor will have some plausible reason for the delay. There is no master in the buildings who is not perfectly alive to the advantages of continuity of proceeding, and who, as far as in him lies, does not carry into effect such continuity; but, until directed by a higher and competent authority—until the master is directed not to proceed with a cause until he finishes the preceding one, he cannot, he ought not, to do more than he does at present. Of the propriety, of the fitness, of the justice of such an order, much, I think, may be said. It requires grave and serious consideration; much, very much, in my opinion, ought and must be left to the management of the master. Then, as to the secresy of the sittings; surely my hon. and learned Friend must know (as the fact is) that our sittings are not secret; they are open to the public, and as much open as the courts themselves. I admit they are not as accessible, and the matters transacted there do not in general attract public attention; but that is not the fault of the masters. The master sits at a table, and the parties are around him stating their cases as practical men rather than orators; but if it should be thought beneficial that a change should be made in this respect, that the master's room should be made more accessible to the public, that the forms of the court should be more adopted, I can vouch for the masters that they will interpose no difficulty nor make any objections. I, however, very much doubt the expediency of such a measure; I very much doubt its utility, and I have great fears of this mischief arising from it, that solicitors and their clerks, instead of getting through their business as they do now practically and to the purpose, will then become makers of speeches, and address themselves more to the audience than to the master, if audience they should have; and even without an audience, the very forms of a court will induce them to imitate the addresses and statements of the barristers. Mr. Field himself, from whose book my hon. and learned Friend has so much borrowed, (good authority, I fully admit, on this point,) the great advocate for this alteration in the masters' sittings, winds up all his observations on this point by saying, that, "after all, perhaps the business is much better gone through and disposed of than if the forms of a court were more used;" but to satisfy the call made by the public, and which my hon. and learned Friend seems to have taken up, let trial be made. I only hope that the masters and the suitors will not thereby be deprived of the excellent method in which business is now transacted by solicitors and their clerks. And here I must observe the great satisfaction I have felt, ever since I have sat as master, at the manner in which business is generally conducted and carried on by them. Now, as to the hours of business; my hon. and learned Friend has referred to one particular return made under peculiar circumstances; he ought to have stated the general average, and which appears to be nearly five hours a day to each master. I have the authority of the Colleague of my hon. and learned Friend, that no judge ought to be called upon, with advantage to the public, to sit beyond five hours in the day; but my hon. and learned Friend says, that the time of the judge is much occupied out of court in preparing for court; he must know that the master is also so occupied; there is no day passes that I am not occupied from one hour to two hours at least out of office-hours in reading my papers for the next day and looking at points of law. And then, in respect of the number of days, I agree with my hon. and learned Friend, that the master should sit every day the court sits; but I do not see what use their sitting at other times would answer. And my hon. and learned Friend may be assured, that if they continued their sittings until Christmas next, there would then be the same bustle and hurry as there is generally at this time of the year; and surely my hon. and learned Friend ought to know, that the masters, after the last seal, have no power whatever of compelling attendances upon warrants. I think the practice most absurd and mischievous. I have, with the other masters, adopted every means we could to put a stop to such a practice. I have suggested in the proper quarter that an alteration should be made, and I have no doubt it will be made. As to the hours, it is well known that solicitors cannot, except under very pressing circumstances, attend upon the masters, but from eleven to four o'clock. They are occupied in the earlier hours in the morning in reading their letters, and making arrangements for the day; and in later hours they are again occupied with letters for the post, and preparing for the next day. But my hon. and learned Friend says, that there is a great pressure and arrear, and delay of business; that there is an actual choaking up in our offices: all I can say, is, that I know there is no such arrear or delay or choaking up in my office, and that I am not aware and I do not believe that there is any such in any other office. I know that, by the time my office closes, there will not be a single matter left undisposed of or unfinished where the solicitors would attend to it. Mr. Field, himself, admits, that with the master himself there is no delay. And whilst my hon. and learned Friend undervalues the services of the masters, he ought to reflect, that, whilst there is more substantial business done in our courts of equity in the course of the year than in all the other courts at Westminster Hall, two thirds of that business are transacted in the masters' offices. As to the romantic allusion of my hon. and learned Friend, of the masters reading the newspaper or a novel, he could hardly be serious; and I feel confident he intended it merely as a figure of speech, as a flourish which an orator can hardly ever avoid where it falls in his way. If a warrant should not be attended, if an interval should arise between the attendance on warrants, the master has plenty of occupation in reading over and preparing his reports, and in signing them. For my hon. and learned Friend is grealy mistaken when he says, their reports are prepared by the chief clerk and not by the masters themselves; true it is, that the statement and technical part is so prepared; but I will speak for myself, and, in so doing, may also for all the other masters, that there is no master who does not prepare or settle his own finding, and peruse the whole of the report. It is not, I conceive, the duty of the master to do more, but that of the chief clerk; and the master's time must be, and is much better occupied in other and more difficult matters. And now, as to attendances and their enforcement; I wish the masters had more power; but how that is to be effected with safety or utility is a matter of grave consideration. Whom will you mulct with costs, or punish for non-attendance? Not the suitor, for he may be perfectly innocent; the solicitor,—will you gain your point thereby? My hon. and learned Friend says, and so does Mr. Field (a solicitor himself), that solicitors will not attend sometimes, out of courtesy to each other; will they not extend that courtesy as to costs, and keep a regular account between each other for non-attendance, and set off one against the other? All this, as I have already said, requires consideration, and much, very much, depends upon proper management, and the master's seizing the proper moment to compel attendances and continuity of warrants. My hon. and learned Friend then says, referring no doubt, to the nature of our sittings, that the masters have nothing to hope, nothing to fear, nothing to influence their conduct. Nothing to fear! Will he not allow something for conscientious feelings, and a sense of duty? Will he not give some credit to men of education, men who have at the bar obtained considerable business and acquired high station? If such credit cannot be given to men who now perform the office of masters; if a sense of duty be not sufficient to influence them, they ought never, in my opinion, to have been appointed to that high situation: for let my hon. and learned Friend consider it as he will, let him compare the duties of the masters and their salaries, and measure them with the labour and remuneration of a draftsman at the bar, the office of master must always be considered one of the most important of judicial appointments. As for the observation respecting the influence which my sitting in Parliament has upon my conduct, I think it might have been spared. I do not think the Bar or the public would judge of me so harshly, and to the Bar and public I appeal. My hon. and learned Friend next says, we are independent of the Lord Chancellor. Except as to our appointments, not more so than we were; and I should be sorry we were. My hon. and learned Friend says, that under the former practice, the Lord Chancellor might have sent or not, as he thought proper, reference to the Masters; and as their emoluments then depended upon fees, and not salary, the Masters were then entirely dependent upon the Lord Chancellor. But does my hon. and learned Friend mean to say, that the Lord Chancellor ever did exclude a Master from his share of references, or that he ought to do so? If circumstances should arise to justify such exclusion, surely the same circumstances would and ought, to cause the removal altogether of such Master. I think the change of remuneration from fees to salary a change for the better; it is one of those salutary reforms for which we are indebted to Lord Brougham; and equally beneficial, as it appears to me, is the change of appointment from the Lord Chancellor to the Prime Minister; for thereby you render the whole Cabinet responsible for the appointment, whilst at the same time you secure the approval of the Lord Chancellor; for it cannot be supposed that the Prime Minister would ever appoint any one that was not approved of by the Lord Chancellor. If ever a Minister should do so, I do not hesitate to say, that he would greatly fail in his duty to the public, and act contrary to the intention of the framers of the Act and the Legislature, which I have no doubt was to place the appointment of the masters in the same situation and on the same footing as that of the other judges. When my hon. and learned Friend says the masters have nothing to hope, does he forget the promotion and advancement of masters Thompson and Alexander to the high judicial situation of chief Baron? My hon. and learned Friend and the House may be assured, that they will not find more ardent or zealous supporters or coadjutors in the cause of reform of the Court and the Masters' offices than the masters themselves. I beg pardon for having so long trespassed on the kindness and attention of the House; I feel that I have been desultory and tedious, but my excuse must be, that I was not aware that my hon. and learned Friend was about to make any observations respecting the masters, which have been the occasion of my rising at all; or that he was going to do anything more than complain of the withdrawal of the bill. With him, before I sit down, I must again express my regret at that withdrawal: but though that bill has been withdrawn, great good has been attained; great advance has been made this Session; the most irresistible evidence has been placed upon record; unanimity has been secured; emulation between parties has been created. Lord Lyndhurst, always a reformer of the abuses of the court, has become a convert to and zealous supporter of the appointment of two more judges, and the increase of the judicial power. I must here take this opportunity of expressing with others our sense of obligation to his Lordship. My hon. and learned Friend has joined our ranks as a reformer; he is most welcome even at this eleventh hour; and he has by his speech of this evening rendered the cause the most important services, which I am ready to acknowledge, although I complain of his observations respecting the masters, which I consider unmerited and uncalled for, and were by me most unexpected. My right hon. Friend, his colleague, has declared himself favourable to, nay, he has insisted upon, still greater and more extensive reforms. The noble Lord, the Secretary for the Colonies, has expressed an opinion, that next Session, not only should the bill, now unhappily withdrawn, pass, but there ought to be an investigation respecting the Apellate Court, independently of the question of the supply of judicial power. All this must inspire us with hope and well grounded assurance that ere long the Court of Chancery and the Appellate Court will be put on such a footing as to secure to the suitor a satisfactory administration of justice, without delay and disappointment. What a triumph to those who have been long exerting themselves in the good cause, to the present Master of the Rolls, and others, amongst whom, I trust, I may rank myself as an humble but constant and ardent labourer in and out of Parliament.

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* From a corrected report.

House went into Committee on the bill.

On the words "and also in the form and mode of filing bills, answers, &c.," in the first clause being read,

Mr. *Aglionby* wished to ask whether this clause would empower the Chancellor and judges to make orders dispensing with bills and answers, or at least with answers in common suits, for payment of debts and legacies, and other simple cases.

The *Attorney-General:* There is a subsequent clause authorising the Lord Chancellor and the judges generally to make rules and orders as to the form and mode of proceeding to obtain relief, and to alter, control, and regulate the business of the several offices of the court. Under these powers the judges might, as he conceived, in such cases, if they should think it expedient, dispense with bills and answers altogether, and substitute a petition, or some simple mode of proceeding.

On the words "and of making and delivering copies of pleadings and other proceedings" being read.

Mr. *Aglionby* stated, that he doubted whether the judges would act upon this part of the bill, and that part which authorised them to direct payment into the "Suitors' Fee Fund" of the copy money now received by any of the officers for their own use, inasmuch as this could not be done effectually without very largely interfering with the emoluments of the six clerks and clerks in court; he wished to know how this was.

Mr. *James Stewart* stated, that to meet this difficulty, he had prepared a clause for allowing compensation to the officers whose emoluments might be affected under this act, which he would propose when this bill was gone through.

On the clauses being gone through,

Mr. *Stewart* proposed the addition of his clause for compensation "to the officers who might be affected by the provisions of the act." He stated, that he conceived that the bill would be ineffectual without it, inasmuch as the operation of the act, if properly and effectually carried out, would deprive the six clerks and clerks in court of a large proportion of their fees, and it was impossible to expect that the judges would do this unless some means were afforded to the officers for obtaining a fair compensation.

Mr. *Pemberton* stated, that the clause proposed would, in his opinion, be a very useful one. He understood that several of the clerks in court had paid large sums of money for their places: He thought it therefore, reasonable that such a clause should be added.

The *Attorney General* agreed that this was a very necessary clause, and would facilitate the carrying out the bill in a complete and effectual manner.

Clause agreed to.

House resumed, report to be received.

HOUSE OF LORDS,

Thursday, August 6, 1840.

MINUTES.] Bills. Read a second time:—Linen Manufactures, &c. (Ireland); Dublin Police; Postage; Highway Rates; Ecclesiastical Courts (No. 1); Stock in Trade (No. 2).—Read a third time:—Militia Pay; Militia Ballots Suspension; East India Shipping; Bank of Ireland; Isle of Man; Slave Trade Treaties (Venezuela); Notice of Elections; Attorneys and Solicitors (Ireland); Slave Trade Treaties; New South Wales and Van Dieman's Land; Pilots; Population (Ireland); Court Houses (Ireland); Joint Stock Banking Companies; Church Temporalities (Ireland); Population; Loan Societies; Commerce and Navigation.

Petitions presented. By Lord Lyndhurst, from the Solicitors in the Metropolis, to reform the Court of Chancery.

HOLYHEAD ROAD.] Viscount *Duncannon* moved the Order of the Day for the House going into committee on the Holyhead and Shrewsbury Roads bill The object of the bill was the improvement of this line of road. The alteration on the road between London and Dunstable had been executed for less than the estimated sum, while the improvement beyond Dunstable exceeded the estimate, chiefly in consequence of the purchase of lands. The bill provided, that the sum of 2,000*l.* which was saved on the estimate of the works between London and Dunstable should be made applicable to the expence incurred by the works beyond Dunstable.

The Marquess of *Salisbury* said, had this bill been introduced earlier in the session, he would have moved, that it be referred to a committee up stairs, in order to show not only the gross negligence, but, to use a harsher phrase, the gross malversation which was observable in the proceedings of (as we understood) the Dunstable trust. He had many objections to this measure. By the former bill the funds necessary for the improvement of the road were voted by Parliament, but by the present measure Sir Henry Parnell, and four commissioners, were authorised to expend any money they pleased without any efficient control. The noble Marquess moved "that the bill be committed this day three months."

Their Lordships divided on the original motion:—Contents 24; Not Contents 23; Majority 1.

Bill went through committee.

Cracow.] Lord *Lyndhurst* had to present to their Lordships two petitions, the one from the merchants of the city of London, the other from the merchants of the borough of Birmingham, on the subject of the present state of the republic of Cracow, with reference to its commercial relations. He had been in possession of those petitions for a considerable period, and he rejoiced that he had not presented them sooner, because, from circumstances which had recently occurred; he had some reason to hope,that events were in progress that would beneficially alter the situation of the inhabitants of Cracow. He alluded to the sentiments expressed by the noble Lord the Secretary of State for Foreign Affairs (who must be taken as the representative of the Government) with respect to the conduct that had been observed towards the republic of Cracow. That noble Lord was stated to have described the proceedings adopted with reference to the republic of Cracow as a gross violation of the treaty of Vienna, and so far an injury, and consequently an affront, to the people of this country. The noble Lord further admitted that the pretence on which those proceedings were founded was false in fact, and afforded no justification for them. It was also, he understood, stated by the noble Lord, and he rejoiced in it, that Her Majesty's Ministers took a deep interest in the prosperity and welfare of this republic; and further, that pressing remonstrances had been made, and were still making, to Austria, to induce her to withdraw her troops from the territory of that republic, and to restore it to the situation in which it was placed by the treaty of Vienna. All these facts were admitted by Government; and when he heard that a new alliance had been entered into between this country and the courts of St. Petersburg and Vienna, which must, of course, give so much additional influence to Her Majesty's Government at those courts, he could not but express his extreme regret that the remonstrance made by Her Majesty's Government to those courts, earnest as they might have been, were not attended with success. However, he looked forward with hope to the withdrawal of the Austrian troops from the republic of Cracow at no distant period, and the consequent renewal of that state of commercial as well as political independence which was guaranteed to the republic by the treaty of Vienna. The petitions referred merely to the commercial character of the republic. One of them was signed by merchants of the city of London, the other by merchants and manufacturers of the town of Birmingham; and when he adverted to the names by which the former was signed, when he looked at one name which was affixed to the petition that he then held in his hand, he confidently expected that the appeal would be successful. The second name appended to the petition was that of a firm supporter—nay, he might add, the guide and director of Her Majesty's Government, and he could not suppose that a petition thus signed would not be attended to. The signature was that of "Daniel O'Connell, a Governor and Director of the National Bank of Ireland, No. 13, Old Broad-street." He knew that some persons were inclined to underrate the commercial importance of the republic of Cracow. but that, he believed, arose from a want of knowledge as to the geographical position of the republic, and a gross misunderstanding as to the spirit and enterprise of the merchants of this country, who were anxious to avail themselves for commercial purposes of that advantageous position.

Petitions laid on the table.

Anti-Ministerial Petitions.] Lord *Lyndhurst* had another petition to present, signed by 40,000 operatives of the city of Glasgow; and, from the statements made to him, he had reason to believe that it was so signed without any recourse to those arts which were usually resorted to on similar occasions. It was, he conceived, of the utmost importance to their Lordships that the petition of such a numerous body of persons of this class should be seriously considered and attended to by their Lordships. With that view he would read the contents of the petition to their Lordships. He did so, because there was no other mode by which he could fairly and properly discharge the duty which he owed to the petitioners. The noble and learned Lord accordingly read the petition.

"That Her Majesty's present Ministers came into office through the support they obtained from the operatives of this country, in the expectation they had held out and the pledge they had given, of effecting the reform of existing abuses, of retrenching lavish and insupportable expenditure, and of preserving the blessings of peace to the empire.

"That, in regard to the reform of abuses that did exist, they have done nothing of that which they promised, and that they have created abuses unknown before. That in regard to the public expenditure, insupportable before, and which they had pledged themselves to retrench, they have done nothing, but, on the contrary, augmented that expenditure. That in regard to peace,—they found peace—they have brought war.

"That these Ministers are the first Ministers of the British Crown who have come into office through popular agitation. That, using with cruelty the power which they had obtained by perfidy, they have directed the worst rigours of the law against the very men by whom they have been raised, while in pursuit of objects identical with those which they had encouraged.

"That at the period when these Ministers obtained the management of public affairs this country was oppressed with an enormous debt, the result of the previous mismanagement of our foreign affairs, was oppressed still more grievously by the injurious mode in which the revenue was assessed, resulting from the miscomprehension of their predecessors of our domestic concerns.

"That the present Ministry have done nothing to reduce that debt, or to correct the false and oppressive mode of taxation, but, on the contrary, commenced their career by an assault upon the last remnants of the constitutional taxation of this empire. That whereas even the previous Administrations had, during peace, diminished the burden of the public debt. That whereas the Administration which immediately preceded them had reduced the taxation of this country to the amount of several millions sterling yearly, the present Ministers have ceased to pay off that debt, and have furthermore brought about a defalcation in the public revenue, and are now about to impose new taxes, and to make this taxation fall on objects of primary necessity to the working classes.

"That a degrading system of corruption has been introduced on the pretence of commissions to inquire into grievances, through which extensive corruptions of men of ability have taken place, money is expended, and the people have been beguiled by delusive hopes.

"That the prospects of increased expenditure, of additional demands for troops and for ships, are presented in the colonies, at home, and throughout the world, by the universal mismanagement of our affairs, by the violation of the rights of our fellow-subjects, by the submission to insult and to outrage from foreign Powers, by the contempt into which Her Majesty's crown has been brought, and by the injustice inspired into the councils of every foreign state, through the hopes awakened of the dismemberment of the British empire.

"That Her Majesty's present Ministers found the colonies of North America in a state of tranquillity, that they have brought them into one of insurrection.

"That they found this country allied to France—that they have submitted to the encroachments of that power upon the territories of our allies, and to the violation by her of our commercial rights, and, consequently, they have placed present hostility, and laid the grounds of war, between this country and France.

"That they found Poland an independent state, and they have reduced it, suffering the violation of a treaty guaranteed by Great Britain, to the condition of a province of Russia.

"That they have suffered, encouraged, and co-operated in the progressive encroachments of Russia, while setting treaties at nought—assaulting our allies—fomenting insurrections and organizing conspiracies throughout the territories that own allegiance to your Majesty's crown.

"That by their concurrence with Russia they have overthrown the strength of Circassia, suffering on its coasts the seizure of a British vessel while engaged in lawful traffic.

"That by secret and treasonable collusion with Russia to set up her *protegé* on the throne of Persia, they have reduced that state to subserviency to Russia, and led it to join with her for the conquest of India.

"That they have invaded Affghanistan without a declaration of war, and for the purpose of forcing on that people a monarch whom they had thrice expelled, in violation of all laws, human and divine, as in scorn of every British feeling and interest. That they have thus laid prostrate, by treachery and violence, every barrier which withstood the advance of Russia upon India.

"That they found relations of amity and

friendship with China. That they have brought about a state of war.

"That they found India tranquil within, at peace with its neighbours, and defended by a powerful army. That they have fomented revolts and conspiracies, at once by acts of injustice, and by the disbanding of troops, while they have engaged in war in Central and in Eastern Asia, and rendered the whole population of that quarter of the globe, our enemies.

"That they found the differences with the United States, in respect to the North American boundary, adjusted by treaty, that they have broken up that adjustment, and that they have sown the seeds of war between the United States and Great Britain.

"That they have suffered the violation of British rights, and the interruption of British commerce throughout Poland, throughout Germany, along the shores of the Gulf of Mexico, around the whole coast of South America, along the northern and the eastern coasts of Africa, through the kingdom of Persia, and by a voluntary act have interfered to upset the rights of British commerce in Turkey.

"That, under the pretext of settling the affairs of the Peninsula, they have deluged it with blood, and filled it with convulsion.

"That, prolonging the disasters of Spain, they have expended British blood and treasure in an assault on the rights of British commerce, guaranteed in the institutions of that country, which they have assailed.

"That they have paid to Russia the Russio-Dutch loan, in opposition to the spirit of the original compact, and after existing treaties between Russia and England had been abrogated by her act.

"That they have betrayed to Russia a nation who had placed its independence in the hands of Great Britain—Greece; sacrificing many millions sterling to effect that purpose, and abrogating the rights of the British bondholders in order to transfer the same to Russia.

"That by a secret conclave established in London they have overthrown the internal liberties, and the external independence of all the minor states of Europe, Asia, and America, and have done so in conjunction with two powers, our enemies—Russia and France.

"That, while prostituting the power of England in every region of the globe for the advancement of the hostile designs of powers whom their treason has rallied against England, they have sacrificed British property or British money, and British commerce, to an extent of 50,000,000*l.* sterling.

"That they have suffered the decay of the strength of Britain in her navy—that the shores of England are unprotected—that the vessels they possess are sent to distant stations where they are useful only to advance the designs of foreign powers, and that they suffered armaments in peace only calculated for war, and which enable other powers to insult this country with impunity, and to endanger its existence.

"That this dilapidation of the public affairs has imposed the necessity of increased taxation, the weight of which must fall upon the operatives, and fall the more severely, because of their intention to make this new taxation rest upon the necessaries of life.

"That the sacrifice of commercial rights, and the further diminution of our commerce, must fall on the working classes, throwing them out of work, and depriving them of food.

"That the prospect held out by the past presents increase of taxation, loss of commerce, further expenditure of our blood and treasure, and ultimately war with the states whose hostility has been created, and the dismemberment of the colonies whose affections have been lost.

"While, therefore, the present Ministers of her Majesty have come into power on the confidence they have falsely created in the industrial population of this land by professions of reform, by pledges of peace, by hopes of retrenchment, they have introduced new abuses, increased expenditure, involved this land in unjust and injurious wars with small states, and rendered next to inevitable collision with the great powers of Europe and America. That they are, therefore, unworthy of confidence, and that their removal and punishment is necessary to save this country from ruin."

He had another petition, the noble Lord continued, of a similar description, from the merchants, manufacturers, operatives, and other inhabitants of the town of Newcastle-upon-Tyne; it differed, however, from the other in two particulars for it condemned the course taken by Ministers in making an assault upon the kingdom of the Two Sicilies, and thus attacking the weak, while they crouched to the strong; and it complained of the alienation which existed between England and the power whose good-will it was especially our interest to preserve, namely, Austria. Having stated to their Lordships the contents of these petitions, he had performed that which his duty prescribed to him, and should not trouble their Lordships any further.

Viscount *Melbourne* said, that with respect to the observations which the noble and learned Lord had made on the subject of Cracow, they required no remark on his part, nor was it necessary, that the noble and learned Lord should have given him any notice of his intention to present that petition. The noble and learned Lord had stated with perfect accuracy both the language and the intentions of her Majesty's Government upon the subject, and he might depend upon it that those intentions would be fully acted up to, and every exertion made, in order to induce Russia to observe the terms of the treaty entered into at Vienna. With respect to the petitions from Glasgow, and from Newcastle-upon-Tyne, which the noble and learned Lord had rather in an unusual, and according to the strict usage of the House, in a somewhat irregular manner read at length to the House, he did not know whether the noble and learned Lord concurred with the statements contained in those petitions or not. The noble and learned Lord contented himself with reading them, without stating, whether he agreed with all, or any, and if with any, what part of those statements, or whether he disagreed with them, and what part of them. Perhaps, the noble and learned Lord, finding such petitions placed in his hands, thought it very fair to make them stand in lieu of and serve for that speech he generally made at the end of every Session of Parliament. The first petition certainly was very much like the speeches which the noble and learned Lord usually delivered at the close of their sessional labours. It was just as unmeasured in language, just as unfounded in assertion, and precisely tending to the same end, namely, to cast obloquy on her Majesty's Ministers, to produce if possible, their dismissal, and to serve as a theme during the whole vacation for speeches at Conservative meetings and Conservative dinners. The noble and learned Lord had said, that the petition was put into his hands early in the Session, therefore it was quite fair to conclude that he reserved it for this period exactly on that account, and because he conceived it would serve that purpose. But he knew not how much of that petition the noble and learned Lord adopted as expressive of his own opinions, or how much of it he did not adopt. It professed to be the petition of certain operatives of Glasgow, but it was pretty clear that no operative had anything to do with its concoction. It was tolerably clear where the document came from. It was impossible not to know the style, and that if it were not from the noble and learned Lord's own pen, it was from the pen of one entertaining kindred feelings with the noble and learned Lord on many topics. However, all that he felt it necessary to say was, that if the noble and learned Lord should at any time think it his duty to bring forward as matter of charge against her Majesty's Ministers any of the allegations contained in the petition from the operatives of Glasgow, they would be ready to meet him and defend themselves against any such accusations.

Lord *Lyndhurst* said, in explanation that he either must have stated the substance of the petition, or must have read it, to enable their Lordships to understand the grounds of its prayer; and from the complicated nature of the things to which it referred, and from the expressions it used, he thought it much safer to read the petition at length. He did not know to whom the noble Viscount alluded when speaking of the probable author of the petition, but he presumed that the noble Viscount did not mean to suggest that he had had anything to do with it.

The Marquess of *Londonderry* did not agree in all that the petitioners alleged. He regretted that the noble and learned Lord had not given regular notice of his intention before the close of the Session to bring forward the question of our foreign policy, because he felt strongly that if the Session were allowed to terminate without some discussion and some understanding as to the course which her Majesty's Ministers were determined to pursue with respect to Spain, and with respect to the new alliance which the British Government had recently formed, the noble Viscount would incur a responsibility heavier than had ever rested upon any Minister. He remembered (and he lamented it extremely) that in the course of the last year a sort of an itinerant orator went about the country—in the north more particularly—and made harangues at public meetings on our foreign policy, and gave out opinions which were calculated to mislead persons not accustomed to look into such questions. He talked about Russia, and Austria and Prussia, and a great deal more which he would venture to say the speaker himself knew very little about: and there was no doubt that these petitions were got up at that time. With respect to our policy in Spain, what he would ask their Lordships, had been the fruits of the quadruple alliance ever since 1834? That alliance, which had been followed by a new quadruple alliance of a very different character? Certainly a most extraordinary, a most desirable, and a most delightful change seemed to have taken place in the opinions and "foreign sentiments" of her Majesty's Ministers. Their Lordships had arrived at a most extraordinary era, when they found the same Ministry who, almost within "six months," concocted and framed a quadruple alliance to keep the despots of the north (as they were designated) in subjection, now entering into an alliance with those very powers. Their Lordships knew that great apprehensions were entertained that France would not act up to the terms of the quadruple alliance, and that repeated complaints had been made as to the course she was taking, not only in Spain, but in the north, in Egypt, and at Buenos Ayres; that she had never given any explanation respecting her retaining possession of Algiers. Altogether she had not acted with that openness and fairness, and with that intimate and cordial friendship towards England that she was bound by treaty to do. The same Ministers were now turning about and making a treaty, and wisely so, with the very powers against whom the former quadruple treaty was formed, and what to do? Why, to keep France in awe. Could these Powers trust the noble Lord the Secretary of State for Foreign Affairs, in the same way as they would an individual who had not been, as he had been, connected with all those former transactions with respect to the original quadruple treaty? The conduct of the noble Lord the Secretary for Foreign Affairs was, to use a vulgar expression, like what the song described in the words:—"Wheel about, turn about, jump Jim Crow." He did not, however, wish it to be supposed that he was the individual who disapproved of the line her Majesty's Ministers had taken with respcet to the new negotiation. With every wish to keep on the very best terms with France, and with every desire to preserve that state of amity and mutual co-operation that had so long existed, he was not willing that the British Government should allow France to cajole us, or that they should suffer it to be supposed that England was afraid of France, or that she was not determined to do her duty because France chose to put off, by negotiation and delay, an important arrangement of European affairs. He congratulated her Majesty's Ministers at having taken a decided and bold line of policy, and if they were determined to pursue it, humble as his support was, he would readily give it to them. He believed that the noble Lord the Secretary for Foreign Affairs was coming round to the Conservative policy, and he heartily congratulated him upon it. He would now state what had been the result of the first quadruple treaty. It was this; first, that from twenty-five millions to thirty millions of pounds sterling had been obtained from the capitalists of this country by loans, of which the lenders, he believed, found great difficulty to obtain the interest. Secondly, there had been two millions in stores supplied by the Government; and thirdly, 10,000 lives had been sacrificed. These were the fruits of the first quadruple alliance. He wished to know, now that that treaty was at an end, what were the relations of this country with Spain? Were they disposed to support the queen and her ministers, or Espartero? There might be a difference of opinion between those who were parties to the new quadruple alliance and those who signed the old quadruple alliance with respect to the course of policy to be pursued in relation to the affairs of Spain. The old quadruple alliance had now ceased. Don Carlos being in France the treaty was at an end; but our ambassadors and ministers were there, and what he wished to know was to whom were they accredited? Were they accredited to the queen's government or to Espartero? He called upon the noble Viscount to state the course he intended to pursue with respect to the civil war that still existed in Spain. He could not for his life and soul help thinking that the foreign policy of her Majesty's Ministers was, like other things, made an open question. After eulogizing the Emperor of Russia, whom the noble Marquess described as the most able, the most accomplished, and the soundest politician in the world, the noble Marquess concluded by saying that he looked upon the new alliance formed by this country as a means of preserving the peace of Europe. He never could believe that France failing, as she had done, in her engagements, would be mad enough to attempt unnecessarily to embark in a war. He gave her Majesty's Ministers credit for the course they were pursuing. He hoped, before the Session closed, they would come down and ask for a vote of an additional number of seamen. When he saw France adding eight or ten sail of the line to her fleet, and looked at the preparations she was making in every quarter, he could not but hope that the noble Viscount would take effective measures in time to show to France, that though we were most desirous of preserving an alliance and an intimacy with France, yet we never would submit either to be deluded or kept in ignorance, month after month, of what were her intentions, or ever submit to be dictated to in any shape as to what were the true principles we ought to pursue for the best interests of Europe.

Lord *Brougham* said, the petition presented by my noble and learned Friend embraces so wide a scope, and goes over such an unlimited length of time, and matters of such various kinds, and alludes so much to almost every topic of policy of this country, whether foreign, colonial, or domestic, that I can hardly imagine any observations upon any branch of our policy which would not be strictly regular upon the question that the petition be laid on the table. I do not, however, mean to be tempted by the noble Marquess to follow him over any one part of that wide field to which his observations have been applied. I rise simply to guard myself against any misconstruction or misapprehension of what I stated the other evening, and to which the noble Marquess has referred this night, and which I shall do in one single sentence. Upon facts not before us, upon matters which were unknown to me, and upon which I could only speak hypothetically, of course I could give no opinion; but I meant to state, and if I did not then distinctly state it, I will state it now, that I should most deeply lament (and herein, I think, however we may differ on other matters, even the noble Marquess and I shall be found to be in alliance)—that I should most deeply lament not only anything which tended to shake, still more to interrupt, but anything which even had a tendency to endanger that good understanding between England and France which has happily for so many years prevailed—and by prevailing, preserved the peace of the world; and that I should in proportion to that feeling disapprove, and pointedly disapprove, of any alteration in our policy which could lead so to endanger that alliance. — Petitions laid on the table.

MUNICIPAL CORPORATIONS (IRELAND).] Viscount Duncannon moved the Order of the Day for their Lordships taking into consideration the Commons' amendments to the Lords' amendments of the Municipal Corporations (Ireland) Bill.

Lord *Lyndhurst* said, that he understood the amendments of the other House were to be merely verbal, but instead of that being the case, they opened up every question which their Lordships had been discussing for the last three months. Whatever other noble Lords might do, he would not discuss these questions over again, but when the amendments were moved would simply state whether he agreed or disagreed with them.

The amendments were then read *seriatim.* Those which Lord Lyndhurst objected to were negatived without a division; the others were adopted.

The Marquess of *Lansdowne* said, he had not objected to the course which the noble Lord had adopted, in dealing with these amendments, solely because he wished to bring the question to a determination, and without reference to the course which, under other circumstances, he should have felt himself bound to have followed. He was desirous of taking the present opportunity of stating, without wishing to revive discussion, that he thought the House of Commons had given the strongest proof that it was possible for them to give of their desire to come to some agreement with their Lordships, by abstaining from re-introducing into this bill, and by assenting to the amendment of their Lordships, for withdrawing any provision for the better administration and delivery of the prisons in Dublin. He had reason to know, that nothing but a desire to see the question set at rest could have induced the House of Commons to concur in the withdrawal of that provision. It was partly for a like reason that he now offered no opposition to the proceedings of the noble and learned Lord, and partly because the subject was one which was capable of being re-considered, as indeed it ought to be, in conjunction with the state of prisons, and separately from the objects of the present bill. The subject would be considered in another Session, which he hoped would not terminate without giving to Dublin a more frequent delivery of prisons, for their present state was such as to call for the interference of the Legislature, and the vigorous determination of Government. There was no sacrifice which he was not prepared to make to carry out this important measure, which he hoped would work for the happiness of Ireland, and for the benefit of the United Kingdom.

Lord *Brougham* perfectly agreed with the noble Marquess who had just spoken, that great sacrifices had been made to carry this bill; but in regard to the other measure adverted to by the noble Marquess, namely, that relating to a general delivery of prisons, he hoped that Government would not stop there, but that they would proceed at an early period next Session, not only with that particular measure, but with that other one to which reference had been made some time ago—he meant the general measure for the purpose of excluding all judicial officers—not from their Lordships' House, for there was no need of that, but from holding a seat in the other House of Parliament.

On the motion of Lord Lyndhurst, a committee was named to draw up reasons for not agreeing to the amendments of the Commons, and a conference requested for the following day.

CANADA—CLERGY RESERVES.] On the motion of Lord Duncannon, the Canada Clergy Reserves Bill was read a third time.

The Archbishop of *Canterbury* was sorry to see that a noble Lord (Lord Ellenborough), who had on a former night moved an amendment on this subject, was not in his place; that amendment, which their Lordships had adopted, would bear most heavily on the Church. It was to give a power to the Crown to give its consent to any bill which the colonial legislature might pass, enacting that the proceeds arising from the sale of the clergy reserves should form a separate debt, and should bear a uniform rate of interest. He thought that it would be inconvenient not to make this question final; but their Lordships would observe, that such an amendment would give a power to the colonial Legislature and the Crown, to apply all the money received from the sale of clergy reserves to the use of the province—the interest proposed to be allowed to the clergy for the use of the money was five per cent., to be paid before any other debt. But even with this advantage, he asked their Lordships whether they would consent to dispose of their own funds or property in this way. The security was not very good; the interest was limited to five per cent.; and the clergy would be without the power of drawing out any amount of principal, however much it might be required. More than this, the stock so proposed to be created would be naturally affected by any resolution which might take place in the province. He, therefore, moved that the clause be struck out.

Agreed to.—Bill passed.

ECCLESIASTICAL DUTIES AND REVENUES.] The Ecclesiastical Duties and Revenues Bill was committed, and several amendments agreed to.

The House having resumed, the standing orders, Nos. 26 and 155 were dispensed with, after the Earl of Harrowby had warmly protested against this indecent haste.

The report ordered to be received.

The Bishop of *Exeter* rose to move a proviso to be added to the 24th clause, to exempt the deanery of Exeter from the general operation of the clause. The ground upon which he made this motion would be gathered from the following facts:—The crown lawyers applied to the Court of Queen's Bench to issue a *mandamus* to compel the chapter of Exeter to admit the person whom the Crown had chosen to appoint as dean. After a full and careful consideration, the court came to an unanimous decision, which it delivered in the following terms:—

> "We are of opinion that no court would be justified in originating proceedings, of which the termination desired by the applicant could be obtained only by a jury affirming by their verdict, as a fact, that which the said court is fully persuaded to be false, and no man acquainted with the subject believes to be true."

Language so strong as that was seldom employed by the Court of Queen's Bench in its decisions. But that was not all. The Crown having insisted that it had the right to recommend the dean to the adoption of the chapter, the court proceeded in its decision, to say:—

> "The deanery of Exeter is a private foundation, of which the Crown is not the patron or founder, and cannot furnish any ground on which the court would be warranted in issuing

a writ of *mandamus*. The writ, therefore, must be discharged."

If this decision of the court had been given before the ecclesiastical commissioners drew up their recommendations, he was perfectly certain that the deanery of Exeter would have been excepted. The decision of the court, however, was comparatively recent, whilst the recommendations of the commissioners were made in 1837. Under the circumstances he had stated, he was sure their Lordships would have no difficulty in agreeing to the proviso he now proposed, which was to take the deanery of Exeter out of the operation of the clause.

Viscount *Melbourne* said, that notwithstanding the peculiar circumstances which had no doubt been accurately detailed by the right rev. Prelate, he apprehended that as the appointment of the deanery of Exeter had been for more than two huudred years in the recommendation of the Crown, and as fourteen successive appointments had been thus made, their Lordships would not see fit to alter the clause. Unquestionably the matter had been brought before the Queen's Bench, and that court had decided they could not give relief in the form in which it was brought before them, but at the same time the court had intimated a strong opinion on the main question of right. Upon the grounds, then, of ancient usage—upon the ground that the deanery in question had been for such a length of time in the recommendation, and, in fact, in the gift of the Crown—upon the ground of public policy that these high dignities should be in the gift of the Crown—he thought that Parliament ought to continue in the Crown that which had been attached to it so long. Upon these general grounds, not disguising that the question was one of no small difficulty, he considered their Lordships would do well to keep the clause in its present form.

Their Lordships divided—Contents 21; Not contents 31: Majority 10.

Proviso rejected.

The Bishop of *Salisbury* said, he had a another proviso to propose, which he trusted would meet with their Lordship's approbation. It related to the residentiary prebends of the old foundation, whose stipends it was proposed to vest in the hands of the commissioners for the improvement of the livings of the parochial clergy. Agreeing with the proposition of the commissioners, that these offices should be retained as honorary distinctions, he wished that this object should be attained in such a manner as at once to promote the efficiency of the cathedral establishments, and of the parochial administrations. Although these offices were termed sinecures, the holders of them had some statuteable duty to perform, such as preaching at the cathedral at certain periods. Now, it was highly desirable that this duty should be continued or resumed, if for some time back omitted; and the distinction might with great benefit be conferred on the rural deans; but though the attendance at the cathedral would cost but little, it was a charge which these clergymen could not conveniently bear. He therefore merely asked what would cover these expenses. His proviso was to this effect:—"That, under the authority hereinafter mentioned, such stipend, not exceeding 20*l.*, shall be provided out of the said endowments, as by that authority shall be deemed sufficient."

The Bishop of *London:* The bill retained these prebends as honorary distinctions. Nothing more was asked for in all the petitions presented on the subject; and he thought they preserved that character much better by having no allowance, than if 20*l.* a year were assigned to each. Indeed, in his opinion, they were absolutely useless, except as marks of honour; and so generally was this view adopted, that one of the most able opponents of the bill in that House (the Bishop of Exeter) declared his opinion that the proceeds would be much better devoted in increasing small curacies. He could state as to his own diocese that these prebends seldom attended, and when they did they preached to very small audiences.

The Bishop of *Salisbury*, in reply, observed that this bill was drawn up too much in accordance with the wants of the diocese of London alone, and maintained that his right rev. Friend the Bishop of Exeter was favourable to his proposition.

Lord *Lyttelton* proposed a clause, providing that the four canonries of Ely should be attached to the fifteen professorships of Cambridge, and that selection should be with the bishops. He also proposed that the master of Jesus should be included amongst the persons eligible to these canonries.

The Bishop of *Lichfield* expressed his entire approval of the general principles of this important measure, and also of the clause now proposed, which was in entire accordance with the spirit of this measure. This clause would act as a stimulus to the profession, and he had no doubt that these four stalls would be always filled by the most eminent men in the University.

The Archbishop of *Canterbury* opposed the clause, as the subject had been deliberately considered by the commissioners, and the resolution they came to was embodied in the bill as it now stood.

The Bishop of *Gloucester* supported the clause on the ground that, with the exception of that of divinity, the professorships of Cambridge had no other remuneration beyond 40*l.* a year, and were, therefore, obliged to seek to increase their incomes by other employments. The present clause would tend to put these gentlemen upon a footing which the interests of learning deserved.

The Marquess of *Lansdowne* opposed the clause as being a very inconvenient infraction of the general rule on which the bill was founded.

Their Lordships divided—Contents 20; Not-contents 20: Majority 0.

By the rules of the House, therefore, the not-contents had it, and the clause was rejected.

Lord *Lyttelton* then proposed a clause that certain stalls should be appropriated to professorships in the University of Cambridge.

The Archbishop of *Canterbury* opposed the clause.

Their Lordships divided—Contents 19; Not-contents 25: Majority 6.

The report with amendments was adopted, and the bill read a third time and passed.

HOUSE OF COMMONS,

Thursday, August 6, 1840.

MINUTES.] Bills. Read a third time:—Court of Chancery; Non-Parochial Registers; Bills of Exchange; Imprisonment for Debt.

INFANT FELONS BILL.] On the motion of Lord John Russell, this bill was read a third time.

On the motion that the bill do pass, after various amendments had been made,

Mr. *Estcourt* moved the insertion in the first clause of words to the effect of requiring that notice should be given to the parents or guardians of infants, in whose case it was proposed that the bill should come into operation.

Lord *John Russell* did not think that any advantage would be derived from the insertion of these words. It would be best to leave the entire power in the hands of the Lord Chancellor.

Lord *Granville Somerset* supported the amendment, which he thought contained a most necessary provision.

The *Attorney-General* in case of a division, would have no hesitation in giving his vote against the amendment. The effect of it would be to convey an intimation to the Lord Chancellor that he must hear both sides before he came to a decision.

The House divided on the amendment: Ayes 12; Noes 53:—Majority 41.

List of the AYES.

Aglionby, H. A.
Baldwin, C. B.
Botfield, B.
Broadley, H.
Courtenay, P.
Douglas, Sir C. E.
Freshfield, J. W.
Irton, S.
Langdale, hon. C.
Polhill, F.
Somerset, Lord G.
Trotter, J.

TELLERS.

Briscoe, J. I.
Estcourt, T.

List of the NOES.

Adam, Admiral
Alston, R.
Baring, rt. hn. F. T.
Barnard, E. G.
Bernal, R.
Bowes, J.
Broadwood, H.
Bryan, G.
Campbell, Sir J.
Denison, W. J.
Duncombe, T.
Elliot, hon. J. E.
Euston, Earl of
Fazakerley, J. N.
Grey, rt. hon. Sir C.
Hawes, B.
Hector, C. J.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hoskins, K.
Hume, J.
Labouchere, rt. hn. H.
Leader, J. T.
Lushington, C.
Lushington, rt. hn. S.
Lynch, A. H.
Macaulay, rt. hn. T. B.
Maule, hon. F.
Moreton, hon. A. H.
Morpeth, Viscount
Morris, D.
Nicholl, J.
Oswald, J.
Palmerston, Viscount
Pryme, G.
Rice, E. R.
Richards, R.
Russell, Lord J.
Salwey, Colonel
Seymour, Lord
Sheil, rt. hon. R. L.
Sheppard, T.
Smith, B.
Stanley, hon. E. J.
Stock, Doctor
Style, Sir C.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Vigors, N. A.
Warburton, H.
Wood, B.
Yates, J. A.

TELLERS.

Parker, J.
Tufnell, H.

Mr. *Langdale* moved, "in line 17, after the word 'direct,' to insert 'regard being always had to the religious creed of such infant, or to that of the parents or surviving parent of such infant.'"

Lord *John Russell* thought the words might create considerable difficulty, and opposed their insertion.

Mr. *Langdale* pointed out, that the Lord Chancellor had to direct the education, religious as well as otherwise, of the child, and thought that the clause was highly necessary. The refusal to adopt such a provision would be in direct contravention of the first principles of toleration, and if the noble Lord persevered in his opposition to the amendment, he should feel it to be his duty in the next Session of Parliament, again to bring the same subject under consideration.

Mr. *T. B. Estcourt* thought, that it was highly requisite that such an amendment should be introduced, and said that he should have great satisfaction in giving his vote in favour of the motion.

Mr. *Aglionby* would be well satisfied to find that the amendment was adopted. He had supported the bill throughout as a humane measure, but he thought that it would be incomplete without such a provision.

The House divided:—Ayes 28; Noes 29:—Majority 1.

List of the AYES.

Aglionby, H. A.
Barnard, E. G.
Bowes, J.
Broadley, H.
Broadwood, H.
Bryan, G.
Courtenay, P.
Douglas, Sir C. E.
Duncombe, T.
Eliot, hon. J. E.
Estcourt, T.
Evans, Sir De L.
Ewart, W.
Hume, J.
Irton, S.
Leader, J. T.
Lushington, C.
Lynch, A. H.
Polhill, F.
Pryme, G.
Richards, R.
Salwey, Colonel
Sheppard, T.
Thornley, T.
Townley, R. G.
Trotter, J.
Vigors, N. A.
Yates, J. A.

TELLERS.
Langdale, hon. C.
Briscoe, J. I.

List of the NOES.

Adam, Admiral
Alston, R.
Baldwin, C. B.
Burrell, Sir C.
Euston, Earl of
Fazakerley, J. N.
Grey, rt. hn, Sir C.
Heathcote, G. J.
Hector, C. J.
Hobhouse, rt.hn. Sir J.
Hobhouse, T. B.
Lushington, rt. hn. S.
Maule, hon. F.
Morris, D.
Muskett, G. A.
Nicholl, J.
Oswald, J.
Palmerston, Viscount
Parker, J.
Price, Sir R.
Rice, E. R.
Russell, Lord J.
Smith, B.
Stock, Dr.
Style, Sir C.
Troubridge, Sir E. T.
Tufnell, H.
Warburton, H.
Wood, B.

TELLERS.
Hawes, B.
Clay, W.

Mr. *Langdale* declared, that after the division which had just taken place, and which by a majority of one struck a heavy blow at religious liberty, he should feel it to be his duty to divide the House against the passing of the bill.

The House divided:—Ayes 49; Noes 9:—Majority 40.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Alston, R.
Baldwin, C. B.
Baring, rt. hn. F. T.
Barnard, E. G.
Bernal, R.
Bowes, J.
Broadley, H.
Burrell, Sir C.
Campbell, Sir J.
Clay, W.
Duncombe, T.
Elliot, hon. J. E.
Euston, Earl of
Fazakerley, J. N.
Grey, rt. hon. Sir C.
Hawes, B.
Heathcote, G. J.
Hector, C. J.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hume, J.
Lushington, rt. hn. S.
Maule, rt. hon. F.
Morris, D.
Muskett, G. A.
Nicholl, J.
Oswald, J.
Palmerston, Viscount
Pryme, G.
Rice, E. R.
Richards, R.
Russell, Lord J.
Salwey, Colonel
Shaw, rt. hon. F.
Sheppard, T.
Smith, B.
Stanley, hon. E. J.
Stock, Doctor
Style, Sir C.
Thornley, T.
Townley, R. G.
Trotter, J.
Troubridge, Sir E. T.
Vigors, N. A.
Warburton, H.
Wood, B.
Yates, J. A.

TELLERS.
Parker, J.
Tufnell, H.

List of the NOES.

Bryan, G.
Courtenay, P.
Douglas, Sir C. E.
Estcourt, T.
Ewart, W.
Irton, S.
Leader, J. T.
Lushington, C.
Polhill, F.

TELLERS.
Briscoe, J. I.
Langdale, hon. C.

Bill passed.

MR. FEARGUS O'CONNOR—ADJOURNED DEBATE.] Lord *J. Russell* moved the order of the day for a committee of ways and means.

Mr. *Aglionby* moved, as an amendment, the order of the day for the adjourned debate on the motion for an address relating to political offenders.

The House divided on the motion:—Ayes 42; Noes 11:—Majority 31.

List of the AYES.

Adam, Admiral
Alston, R.

Baldwin, C. B.
Baring, rt. hon. F. T.
Barnard, E. G.
Bernal, R.
Bowes J.
Broadley, H.
Broadwood, H.
Bryan, G.
Clay, W.
Douglas, Sir C. E.
Elliot, hon. J. E.
Euston, Earl of
Fazakerley, J. N.
Grey, rt. hon. Sir C.
Heathcote, G. J.
Hobhouse, rt.hn. Sir J.
Hobhouse, T. B.
Irton, S.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, rt. hn. T.B.
Morpeth, Viscount
Morris, D.
Muskett, G. A.
Nicholl, J.
Palmerston, Viscount
Parker, J.
Polhill, F.
Richards, R.
Russell, Lord J.
Shaw, rt. hon. F.
Sheppard, T.
Smith, B.
Stanley, hon. E. J.
Stock, Dr.
Style, Sir C.
Townley, R. G.
Trotter, J.
Troubridge, Sir E. T.
Yates, John A.

TELLERS.
Maule, hon. F.
Tufnell, H.

List of the NOES.

Ellis, W.
Ewart, W.
Hector, C. J.
Hume, J.
Langdale, hon. C.
Leader, J. T.
Salwey, Colonel
Thornley, T.
Vigors, N. A.
Warburton, H.
Wood, B.

TELLERS.
Duncombe, T.
Aglionby, H. A.

Order of the day for committee, read and discharged.

RUSSIAN EXPEDITION TO KHIVA.] Mr. *Hume* wished to know from the right hon. the President of the Board of Control whether Government had received any accounts confirming the news that had appeared in the public papers of the Russian expedition against Khiva having arrived there in considerable force, with artillery, and also of their having extended their movement as far as Bokhara.

Sir *J. Hobhouse* did not believe a single syllable of the reports in question. He had been much surprised to see them. Rumours to the effects of those statements had reached Bombay, but they were wholly improbable, unless these troops and cannon had dropped down from the skies. He had other means of knowing, however, that the reports in question were false. Captain Abbott, an English officer, who had left Khiva at a period subsequent to that of the supposed arrival of the Russians there, stated that no such arrival had taken place; and further, he had come by way of St. Petersburg in company with the Russian general who was to have commanded the expedition had it been able to reach Khiva. But it was not able, and after two or three marches it returned to Oremburg. He might also add, that he had received that morning a letter from Herat, to the same effect.

FRANCE AND EGYPT.] Mr. *Hume*, on rising to call the attention of the House to the relations of this country with France, as regarded the affairs of Egypt and Syria, said that every one knew in what a critical position our situation was as respected France and Russia; but what he was anxious at present to do was, to remove the effect of what had fallen from the noble Secretary for the Colonies on the last occasion. The noble Lord had excepted to the use he then made of the word "insurrection," as applied to the Druses, and denied that British interference had anything to do with that rising. Now the truth was, that the noble Lord very much forgot what was the real state of the case, because there were papers on the table of the House which showed that British authorities had interfered, as he had complained. Besides a despatch of the noble Lord to Colonel Campbell, which justified this assertion, there was another despatch which he held in his hand, and which was from Mr. Mandeville, the British resident at Constantinople in the absence of Lord Ponsonby, to Ibrahim Pacha, bearing date March 29th, 1833, which fully corroborated his assertion. His words were—

> "The Sultan has deigned to concede to his Highness Mehemet Ali the government of the whole of Syria."

His position was this—that the authority of Mehemet Ali had subsisted in Egypt and Syria for the last eight years; that it had been established by the admission both of the British and French Courts; that the British authorities and agents in the Levant had acted on that conviction, and therefore the noble Lord was not right in saying that the authority of Mehemet Ali was not fully established there. In reply to an intimation from Mehemet Ali that he would declare himself independent of the Porte, Colonel Campbell said—

> "I replied to him that he should remain contented with the *status quo*, as settled at Kintayah, and trust to the great Powers for any arrangement for the future."

In this state of facts he (Mr Hume)

thought that he had made out his original statement that Mehemet Ali was *de facto* governor of Syria. But, however that might be, he held in his hand a letter which stated that the insurrection was entirely at an end. It appeared from this letter, written by M. Arago, the nephew of the philosopher, that this rising, which they had been told was to create a revolution, had proceeded from about 1,500 men, and that in quelling it every desire was manifested to spare the effusion of blood. With respect to the war into which it appeared that Great Britain was about to be hurried, without knowing what might be the results, he might mention that he had just seen a naval officer who had arrived in the Alecto from Beyrout, and had told him that Captain Napier, of the Powerful, had said that if he had arrived in time he would have interfered to prevent the event. He hoped the noble Lord would be able to contradict this, because he could not believe that any officer would have so interfered, of his own account, in the present state of our relations with France as regarded this subject. His question then was, whether a convention between England, Prussia, Austria, and Russia, had been signed, and whether there was any objection to laying a copy before the House previous to its adjournment? If the convention had been signed, he must say he could not conceive any policy more disastrous to England. One of the greatest evils under Lord Castlereagh's administration was the system of interference with foreign Powers, and it would be recollected that when Mr. Canning was called to power he declared that the policy of Great Britain should be non-intervention. The same principle was one of the three principles on which Earl Grey came into office. Now, his objection to the present proceeding of the British Government was, that they were thereby joining the holy alliance of the despots of Europe, a name now so odious, and that they were retiring from the alliance with France, the only constitutional Government among the great powers, for the sake of forwarding Russian objects, as he contended. He hoped the noble Lord would be able to deny the orders which had been said to have been given to the British fleet, and which, if acted upon, would risk immediate hostilities. To Lord Ponsonby, and to him alone, we owed, in his opinion, the whole of this risk. From the expenses which France had been at, war appeared to him to be imminent. Government appeared to him to be playing the part of Russia. He trusted the noble Lord would do nothing that would have the effect of promoting the views of Russia, or advancing her progress into Asia Minor. Mehemet Ali had offered to restore all that he had conquered elsewhere, with the exception of Syria; and he asked the noble Lord to confine the war within Syria. We had postponed a peace through our agent at Constantinople. He protested against the House closing without having some further explanation on the subject. He hoped that if hostilities took place either with Mehemet Ali or with France, that Parliament would be called together, without delay, before the country was involved in war. He begged to move:

> "That a humble Address be laid before her Majesty, praying her to lay before the House a copy of the Convention entered into by the four great Powers of Europe."

Viscount *Palmerston* said, that his hon. Friend, entertaining the opinions on this subject which he did, very sincerely and honestly no doubt, it was impossible for him to have expressed himself more calmly or dispassionately. He entertained opinions on this subject as sincere and honest as those of his hon. Friend, but directly the reverse, and where parties had examined a subject, and entertained such essentially different opinions on that subject, of course, they could only leave it to future events, and to the result, to see which was the correct opinion. As strongly as his hon. Friend believed, that the proceedings that had taken place, and that the convention which had been entered into between this country and other great powers on the subject of Turkey would promote what his hon. Friend believed to be the selfish interests of Russia, so firmly was he convinced, that it would lead to a directly opposite result. Before he began to notice the observations of his hon. Friend, he would just contradict a statement which had been made with regard to the Russian expedition having reached Khiva. He could assure his hon. Friend, that he might be as certain as that he was at present in that House that the Russian expedition did not reach Khiva; but that on its advance, met with so many difficulties, that it was obliged to return to the sea of Aral. The report, therefore, which had been spread in Asia, and whether it had been done by Russian agents or not, for some purpose or other, he would not stop to inquire, was certainly unfounded. The next point his hon. Friend adverted to was the possession of Syria. His hon. Friend, on a former occasion, stated that although he did not recollect the precise period of the negotiations when this took place, his hon. Friend was satisfied that England had offered to guarantee to Mehemet Ali the possession of Syria: he denied his hon. Friend's assertion at the time, and he now repeated his denial. His hon. Friend now stated that Mr. Mandeville, our minister to Turkey, at the period of the advance of the Egyptian army in Asia Minor, recommended Mehemet Ali to be content with Syria, and that he consented to this after negotiations. Now, there was nothing in the proceedings of Mr. Mandeville to justify any assumption on the part of his hon. Friend, that the British Government or its representative was prepared to recommend Turkey to give up Syria; on the contrary, the documents from which his hon. Friend had quoted, would, if he had referred to another part of them, have shown that this opinion was not entertained; for in one of the despatches of Mr. Mandeville, in that volume, dated April 14, he stated, that he had had a conversation with Admiral Roussin on the subject of Mehemet Ali and Syria, in which he had assured that Minister, that so far from there being any probable intention of this Government being induced to consent to the cession of Syria, it was a matter with respect to which there could be no doubt as to the opinion of her Majesty's Government, and as to their determination on that point. It was, therefore, clear, that the person representing England in Turkey, could not have given anything like an assent to the cession of Syria. His hon. Friend, however, asserted, that Mr. Mandeville recommended Mehemet Ali, or rather Ibrahim, who was advancing at the head of his army, to be content with Syria; certain, however, it was that it was after that advice, or after the advance of the Russian force through the Bosphorus, he did content himself with the possession of that province. His hon. Friend had spoken as if Egypt was regarded by this country as an independent state; whereas our consul-general in Egypt acted and was appointed under an *exequater* from the Sultan as sovereign of Egypt and Turkey; therefore, it was the Sultan and not Mehemet Ali, who was regarded by this country as the Sovereign of Egypt. The revolt, then, as it had been termed, in Syria, took place against the local authorities now in possession of the country, and was not a revolt against the Sovereign. He could also assure his hon. Friend, that whatever might have been the causes of the revolt, it was in no way caused by the instigation of British authorities, or by British officers. Lord Ponsonby, soon after the news of it reached him, sent his dragoman, Mr. Wood, to Beyrout, to report on what was occurring there. He went there in June, and on his arrival on the coast, he very properly did not land at Beyrout, for by doing so he would have exposed himself to insult and danger, as the Egyptian army was committing every kind of atrocity and outrage in that place and in the country; but he went elsewhere to get every information that he could on the subject, and after a short time he returned to Constantinople. His hon. Friend said, that the insurrection had been entirely put down, and that Captain Napier had avowed to some one on that coast that he was instructed to take part in it, and to render assistance. Now, with regard to the fact, he could assure his hon. Friend that he had been altogether misinformed; for although Captain Napier had been ordered to that spot, it had been done only with the view of protecting British property and interests. He had not had instructions sent out to him from home, but that gallant officer had been directed by Sir Robert Stopford, or, in his absence, by Sir John Louis, to proceed to that place, to protect British interests. It was true that benig there, Captain Napier did address himself to the Egyptian commander, and urged him to put a stop to that scene of devastation, of crime, and of outrage, occasioned by the troops under his command. He stated that, without saying whether the instructions of those who had risen for the Sultan were right or wrong, the commander of the Egyptian forces could not be justified in carrying on his proceedings against these people with so much barbarity; and he added, that if a stop was not put to these proceedings, he would inform Mehemet Ali of the acts of atrocity and outrage that had been committed in his name, by which the whole country was destroyed, and thousands of women and children, who could have taken no part in the rising, were made to perish. The answer of the commander of the Egyptian army was that it was the insurgents that had set fire to and destroyed the neighbouring villages and crops; but he had the satisfaction to believe that the urgent recommendations of Captain Napier had been the means of putting a stop to scenes of this horrible nature. His hon. Friend asked for a copy of the convention that had been entered into with the other great powers; that a convention had been entered into was certain, but it was not fulfilled, until it was ratified and exchanged by each of the powers that was a party to it, and until this was done it was impossible that the document could be made public, or that it could be laid before Parliament. It had not yet been ratified or exchanged, but he had not the slightest doubt that it would be exchanged, but it was impossible for him to tell what the objects of the convention would be until this was done. Whenever the convention was ratified and exchanged, there could be no objection, on the contrary, there would be every desire to lay it on the Table. His hon. Friend stated, that he or the Government had abandoned the alliance with France, and had embarked with the Holy Alliance in the pursuit of interests hostile to those of England, and which could only promote the advantage or interest of one of the five powers, who were parties to the convention, viz., Russia. Now, he could give a most complete and entire contradiction to the conclusion drawn by his hon. Friend. He denied, that there was any disposition on the part of the Government of this country to abandon the alliance or intimate connection which existed with France, and to which he had always attached the greatest importance, knowing, as he did, how beneficial it was to the two countries, and how essential it was for the preservation of the peace of Europe; and although upon this particular subject there had been some, he trusted unimportant differences—for no doubt, there had been some difference of opinion—for that power did not assist in the late convention; yet he spoke with hope and confidence that he did not believe that this could operate on the good feelings which existed between the two countries, and that it would not interfere with those long-enduring and lasting interests which should connect France and England together, and that it could not lead to a permanent hostile feeling between two great nations which had so many interests in common; on the contrary, so far from any abandonment of France, he could repeat what had been stated elsewhere, that he was happy to say that in these proceedings no concealment had been practised towards France. No exertion had been wanted on the part of this country, or of the other parties to the convention, to bring that nation to adopt something like an unison of views with the other powers on the subject during the negotiations for the last twelve months. For, with respect to the maintenance of the integrity of Turkey under the existing destiny, there never existed any difference between France and the other powers. The French government declared in the most positive manner, that it was as anxious for the maintenance of the Turkish empire in its integrity. In the month of July, last year, France joined in declaring, with the other four powers, that it considered the maintenance of the present dynasty in Turkey essential to the peace of Europe, and that it was determined, with the other powers, to prevent any dismemberment of that empire. Again, the King of the French, in the speech from the throne to the two chambers, at the commencement of the present year, declared that:—

> "Our policy is always to secure the preservation and integrity of the Ottoman Empire, whose existence is so essential to the preservation of the general peace. Our efforts have at least succeeded in stopping those hostilities in the East which we had wished to have prevented; and whatever may be the complications which may result from the diversity of interest, I hope that the agreement of the Great Powers will soon end in an equitable and pacific conclusion."

On this point, there was no more difference between the two Governments than there was between his hon. Friend and himself. There was undoubtedly a difference of opinion as to the tendency of particular measures to contribute to the end which both nations had in view, and the result of events would show which was in the right. When two great countries agreed in the great and leading principles of a particular policy, he could not believe that any divergence as to the mode of carrying out that policy, or their objects, could lead to any permanent difference. His hon. Friend said, that the object of the convention was to weaken and divide Turkey. He could not understand by what process of reasoning his hon. Friend arrived at this conclusion, or how he could suppose that the restoring Syria to the direct authority of the Sultan could have the effect of weakening and dismembering the Turkish empire and destroying its power. He certainly thought that the adoption of the suggestions of his hon. Friend would tend that way, for his hon. Friend would at once give to Mehemet Ali the hereditary government of Egypt and of Syria. By giving him Syria, he would have the constant means of access to some of the most vulnerable parts of the Turkish empire, for the line of separation that was proposed to be drawn would leave open some most important provinces to constant attack. If his hon Friend looked to the documents on this subject, from which he had quoted, he would find amongst the latest papers a letter from Colonel Hodges, in which he stated:—

> "The Pacha said that he would persist in retaining Syria, and in the object that he had of making himself independent."

Now, if this was not a dismemberment of the Turkish empire, he did not know what was. Colonel Hodges then went on to say:—

> "Your Lordship will see that Mehemet Ali is using every exertion in his power to endeavour to effect the object with reference to which he is so anxious."

He therefore contended that the direct tendency of the policy advocated by his hon. Friend would be the dismemberment of the Turkish empire; for he would place one third of it under the government of the most bitter enemy to the Porte. Turkey, weakened in this way, and so many of her richest provinces taken from her, and transferred to her formidable rival, would be almost at the constant mercy of the latter. In a case of emergency she could not call upon France, nor could she demand any aid from England, according to the policy of his hon. Friend, of non-intervention; she must then resort to Russia, and by that means they would place the Sultan in a state of weakness and exhaustion, under the protection of that power of which his hon. Friend was so jealous: and this must be at a price most dangerous to the peace of Europe. If Russia, then, entertained the project which his hon. Friend said that she did, his policy would be the most dangerous that could be adopted for the promotion of it. His hon. Friend had asked what had become of the treaty of Unkiar Skelessi? He could tell his hon. Friend that Russia had stated that other powers had mistaken her intentions with respect to that treaty, and that in signing it she had not been actuated by any selfish or exclusive views, and she would consent if the other powers of Europe would join with her, and take the position she held with reference to this treaty between herself and Turkey, that she would not renew it, as she did not wish to have any exclusive control in the matter. Therefore, the distinct policy of her Majesty's Government and the other powers led to a clear understanding, that the separate treaty between Russia and Turkey should expire, and should not be renewed. As to what his hon. Friend had alluded to with respect to the holy alliance, he could only say that his hon. Friend entertained a most unfounded impression on the subject. What on earth had the holy alliance to do with this treaty, which had been entered into for a specific purpose? The treaty, also, was not with the same parties that contracted the holy alliance, for England was no party to that alliance, and France of that day, although not directly a party to it, was by no means adverse to it. It was the anxious desire of the five powers (for he might include Turkey in the number), that France should be induced to join in the proceedings that had taken place, for it must be obvious that it was most desirable that France should give the weight of its moral influence to the alliance, and thus secure the peace of Europe beyond all doubt. It was with the deepest regret, then, that her Majesty's Government found that it could not obtain the consent of France to the proceedings that had recently taken place. But in all the communications with the government of France since that time, there was no foundation for the impression which had been attempted to be spread in certain places; and, above all, in France, as to certain hostile intentions existing with respect to the arrangements which had been come to by the other powers. He most sincerely hoped, and believed that any mere differences as to the carrying out the same object would not lead to any interference with the peace and harmony which existed between the two countries. France was a great and powerful nation—France had great interests of her own to advance in peace, and she was governed by men who were too wise rashly and wantonly, and without just cause, to convert Europe into one general scene of war, and thus put a stop to the general peace which now so happily existed. There was nothing in the engagements which had been entered into, which ought to give rise, even in the view of the most jealous mind, to a supposition that any hostile feeling was entertained towards France. And he could assure the House, that in the whole of our proceedings, nothing had been done in any way inimical to the interests of France, and if she did not embark in the same course of policy with us in carrying out the common object, he trusted that the enlightened government of France would not embark in a hostile career as alluded to by his hon. Friend. He would only add, that as the treaty had not been ratified, it could not be produced; but, when that was done, he could assure his hon. Friend there would be no delay in laying it on the table; and when the convention was published, and her Majesty's ministers were enabled to lay before the House the negotiations that had been carried on, and the reasons which had influenced them, and the motives which impelled them in the course which they had thought it to be their duty to pursue on this subject, he felt assured—he had almost said, that his hon. Friend would be convinced—that not only England but Europe at large would admit that the line of policy that had been adopted and carried out was the best calculated to put a stop to those unhappy scenes in the Levant, which, if allowed to continue, must be destructive to the peace of Europe.

Mr. *Leader* was sure, that the House must be gratified that his hon. Friend had brought forward this motion, for the explanation of the noble Lord must have given some satisfaction even to his hon. Friend. For his own part, he was willing to admit, that it was of a much more satisfactory nature than he expected to hear. He was sorry to find, that the exclusion of France from the negotiations on this subject had led to the manifestation of such a feeling of bitter hostility amongst the French on account of the ill-treatment which they believed they had experienced from this country on this subject. Looking into the French papers, there appeared to be a general feeling of bitterness and disappointment, and a belief, that their honour had been insulted, and that in these proceedings the noble Lord had sacrificed them to the other great powers of Europe. If this feeling was allowed to continue it must lead to the very worst consequences. The noble Lord would allow him to ask whether in the course of their proceedings or negotiations, there had been no concealment, as he had heard from several quarters, and it appeared to be the general feeling in France, that there had been a want of official courtesy towards France in the mode in which these negotiations were carried on. It was stated, that when the convention was signed, the Minister of France in this country did not even know the day. The noble Lord had stated, that France did not take any part towards the conclusion of these negotiations, but when the convention was agreed to by the other powers, and when the negotiations were brought to a close, it had been stated that France should either have an opportunity of assenting to it, or that, at any rate, the French Ambassador should have had an opportunity of giving the reasons which induced France not to assent to it. It was broadly asserted in the French papers that no intimation whatever was given to France on the subject. He might be told that this was a mere matter of form in the negotiations, but unfortunately the French were very nice and touchy on points of honour in matters of this kind, and certainly they could not be blamed for having a nice sense of honour, and there was, in addition to this, a feeling that this country wished to act against them or over-reach them in this matter. He sincerely hoped, that there was no ground for any feeling of the kind, for the newspapers in France exercised a much greater influence over the minds of the people than they did in this country. That strong feeling did not seem to be manifested against the other three powers, Prussia, Austria, or Russia, but was entirely directed against England, for France imagined that there had been something like a breach of confidence in the proceedings, after she had been for the last ten years on such terms of amity with this country. It should be remembered that

France and England were the foremost and most enlightened Governments in Europe, for in them alone was there anything like liberal government or institutions, and, united, these two great countries could secure the peace of Europe: but in this matter France unfortunately imagined that this country had left or abandoned her, to court the alliance of the other powers. Whatever advantages the noble Lord imagined might be obtained in the East by these negotiations, they were as nothing in comparison to the evils that would arise from the breach of the alliance between England and France. He would only add, that he sincerely hoped that this was not the first step towards a change of policy on the part of this country. He hoped that there was no feeling in the present Government, and he hoped that there would be no such feeling in any Tory Government that might succeed it, that there was a too liberal feeling growing up in France for an intimate alliance with this country, and that, therefore, it was expedient to unite with other governments more disposed to these views. He hoped that the noble Lord would distinctly state that no affront whatever was intended to France in any steps of this negotiation, and he must add, that for his own part he did not believe that either the noble Lord or any one else could commit such a blunder.

Viscount *Palmerston* said, that although it was not exactly in order, he trusted that the House would allow him to make one or two observations in consequence of what had fallen from the hon. Gentleman who had just sat down. He could assure the hon. Member, and he could assure the House, that there was no want of courtesy whatever towards France in the manner in which these negotiations had been carried on. During the course of the last ten months, it was the desire of all the powers to act in concert to secure the important object with respect to which they were all agreed, but it turned out, after a short time, that there was such a difference of opinion between France and the other powers as to the measures which should be adopted to insure the result which all desired, that they could not act together with any probability of arriving at a conclusion. On this being found to be the case a communication was made to France that if this difficulty continued, and the other four powers came to an understanding on the subject, that must not be a matter of surprise to her. In the course of the negotiations which were then carried on with the view of arriving at a general conclusion, a *projet* was drawn up on our side which was presented to France, which was answered by a *contre projet* on her part. Thus there was one plan furnished on our side, and another on the part of France. We then offered a middle course to which France stated, that she could not agree. Again, between two and three months before the convention was signed, a communication was made to her on this subject, and it was distinctly stated to be the extreme to which the other powers were prepared to go. After two months' deliberation she gave pointed and conclusive reasons why she could not be a party to this arrangement. The four powers then determined, in accordance with the regulation already made with France, that they would join in carrying the arrangement into effect, and notice of the same was given to the French Minister two days after it was completed. In the case of the convention made between France and England alone, in reference to Belgium, notice of the same was not communicated to the other powers till some time after.

Motion withdrawn.

HOUSE OF LORDS,

Friday, August 7, 1840.

Minutes.] Bills. Received the Royal assent:—Sugar (Excise Duties); Church Discipline; Church Building; Clergy Reserves (Canada); Marriages Act Amendment; Militia Pay; Militia Ballots Suspension; Metropolitan Police Courts; Chimney Sweepers; Bills of Exchange; Imprisonment for Debt; Metropolis Improvement (No. 1); Sale of Beer (No. 2); Notice of Elections; County Constabulary; Grammar Schools; Admiralty Court; Admiralty Court (Judge's, &c. Salary); Pilots; Isle of Man; Fisheries; Friendly Societies; East India Shipping; Insolvent Debtors (India); Slave Trade Treaties; Slave Trade (Venezuela); New South Wales and Van Diemen's Land; Law of Evidence (Scotland); Oyster Fisheries (Scotland); Bank of Ireland; Attorneys and Solicitors (Ireland); Poddle River (Dublin).—Read a third time:—Railways; Insolvent Debtors (Ireland); Imprisonment for Debt (Ireland).

Petitions presented. By the Marquess of Westminster, and Lord Portman, from St. Pancras, St. James's, and St. Martin's-in-the-Fields, for the adoption of measures for the better Supply of Water to the Metropolis.—By the Bishop of Exeter, from Coleraine, and other places in Ireland, against any further Grant to Maynooth College.—By Viscount Duncannon, from the British Medical Society, to specify in the ensuing Population Returns the number of Sick and Infirm in each District.—By Lord Brougham, from Prisoners confined Debt for in the Queen's Bench Prison, to Amend the Law for the Relief of Debtors; and from the Anti-Slavery Society of Birmingham, to put down the Foreign Slave Trade.

MAURITIUS. — M. BERTIN.] Lord *Brougham* presented a petition from M. Bertin, formerly a printer and publisher in the Mauritius, praying for compensation for certain losses which he had sustained in consequence of the conduct of the government. At the time when M. Bertin was in the Mauritius, party spirit ran extremely high there, and had, in fact, broken out into acts of violence; and it was admitted, as set forth in the petition, that during that period, M. Bertin had acted as a loyal subject, that his conduct was exceedingly good, and that he gave the most zealous support to the government. At one of those periods of disturbance, when party spirit ran unusually high, the printing-office where the petitioner's business was conducted was assailed by the populace, owing to the part which he had taken in favour of the government. His life was exposed to great jeopardy, and he was obliged to put himself under the protection of the military. His partner, however, compromised with the anti-government party, and thus escaped unmolested; but he preferred running any personal risk rather than compromise his opinions. He was afterwards tried before the Supreme Court of the island for a libel published in his paper, and sentenced to pay a fine of 50*l.*, and the governor withdrew his licence of residence, in consequence of which he lost the sum of 7,300*l.*, which it had cost him to establish his printing-office and newspaper. He stated that the article which he had published in his paper was for the purpose of vindicating his character against charges of a false and calumnious nature. He was, however, afterwards suffered to return to the island. In consequence of his great losses he applied to the Colonial Secretary for compensation; but the sum awarded was so small, that he felt it necessary to pray their Lordships to grant him relief.

The Earl of *Clarendon* said, the facts, as set forth by the petitioner, were somewhat exaggerated. In 1831 the petitioner came to the island. In 1832 he set up a printing establishment, and commenced a newspaper, although he was told that he could not be recognized by the government as the registered proprietor. In the month of August, 1833, in consequence of the violent course which had been taken by certain individuals, the governor thought it necessary by proclamation to apprise aliens that they were prohibited from interfering, by writing or otherwise, with the political discussions that were then going on in the island. In 1834, M. Bertin and his partner, M. Petitguen, were tried before the Supreme Court of the island, and sentenced to pay a fine of 50*l.* for a libel on the Procureur-general. The governor, Sir W. Nicolay, admitted that the protection of the government had been extended to the petitioner so long as he conducted himself with propriety. The character of the paper, with which it afterwards appeared that the petitioner was intimately connected, had, however, entirely changed, and it had become extremely violent in its attacks on respectable officers. The petitioner was long suspected of a close connexion with the paper in which the libel appeared, but the fact was not clearly proved until the trial took place. Under these circumstances the governor had, in consequence of the state of the island, withdrawn M. Bertin's licence of residence. The petitioner then represented his case to Lord Glenelg, who gave him permission to return, stating at the same time, that he considered the sentence of the Supreme Court a perfectly proper one; and, further, that the Supreme Council formed the best tribunal for awarding compensation for the amount of losses sustained by him in consequence of his removal from the island, without reference to his situation as editor of a newspaper, he being a foreigner, and only a resident by sufferance. M. Bertin made a claim for 7,000*l.* as compensation, besides which he sent in a claim for damages and interest, amounting to 4,000*l.* more. The Legislative Council, to which body his claim had been referred by Lord Glenelg, awarded him, as expenses which he had unavoidably incurred, 160*l.* for his passage to London, and 1*l.* a day during his stay there, and this award was assented to by Lord Glenelg. M. Bertin then returned to London, and, as his noble and learned Friend had truly stated, had repeatedly complained of the injustice of this award to the Colonial-office; but his noble Friend at the head of that department, considering that under all the circumstances of the case, M. Bertin had not been treated in the harsh and cruel manner which had been represented, declined to interfere.

Lord *Brougham* contended, that it could have been no secret to Sir W. Nicolay that M. Bertin was engaged in the conduct of the *Balance* newspaper, because in August, 1833, the government had lent him some soldiers to assist in working the presses, and therefore he certainly did not wait till the trial to find out for the first time that an alien was conducting the paper.

Petition laid on the table.

BRITISH LEGION.] The Marquess of *Londonderry* said, that having read the correspondence which had recently been laid on the table respecting the claims of the British Legion, he was bound incandour to tell the noble Viscount opposite, that nothing could be more completely satisfactory than this correspondence. Their Lordships would find by a letter from our Ambassador, that a sum of 50,000*l.* had actually been transmitted to this country, and that the payment of the men was now going forward. It appeared, also, that there were in the hands of our Ambassador; securities for the payment of five more separate instalments of 50,000*l.* each; and, what was still more satisfactory, on the day of the last payment her Catholic Majesty would also allow compensation to the men, the amount of which was to be settled between the two governments. He thought that nothing could be more satisfactory to the officers and men of the Legion than this arrangement.

Subject at an end.

PUBLIC HEALTH (SCOTLAND).] The Earl of *Haddington* wished to ask one or two questions of the noble Marquess at the head of the Home-office, relative to the instructions which had been issued to the Poor-law Commissioners to inquire into the state of disease in Scotland. When he last made any observations on the subject to their Lordships, he stated his regret that these inquiries were not to be made by some other body, because he certainly felt that the employment of these gentlemen would create a feeling in Scotland that there was some idea of tampering with the Poor-laws in that country, and assimilating them to the Poor-laws of England. He had not been altogether mistaken on that point, because, as the noble Lord well knew, considerable opposition had been given by an institution in Edinburgh to the prosecution of these inquiries by the Poor-law Commissioners, and last Tuesday, in the Edinburgh town council, a petition to her Majesty, praying that she would cause inquiry to be made whether want and destitution had led to disease, and whether there were adequate means for the relief of such want and destitution, had been rejected on a division. He should therefore be very glad to hear from the noble Marquess that these gentlemen were directed only to inquire into the state and progress of disease, and that those inquiries would be confined to the large towns. As the investigation had been undertaken, he hoped it might prove successful, although he could have wished that it had been carried on by other persons than those employed; but the noble Marquess might depend on it that he would find it very desirable to remove from the public mind in Scotland anything like an impression that an intention existed of interfering at all with the system of Poor-laws in that country.

The Marquess of *Normanby* had stated, when his noble Friend had last called the attention of the House to the subject, that the inquiries of the commissioners would be confined to the specific object of ascertaining the state and progress of disease. He was well aware that any inquiry of this kind, to be successful, must be so conducted as to conciliate the good will of those amongst whom it was carried on. The inquiries of the commissioners would be confined to the large towns, although, in his opinion, the inquiry would not be ultimately complete until it was extended in some shape or other to the rural districts.

Subject at an end.

RIBANDISM.—REPEAL (IRELAND).] The Earl of *Charleville* took occasion, on presenting a petition, to read a letter in reference to the late debate on the letter addressed by Mr. Macdonald to Mr. Langford, in which the writer stated that a memorial had been presented to the Lord-lieutenant, signed by those magistrates who had been named by Mr. Jackson in his letter to Colonel Macgregor, in which they denied, in the strongest and most indignant manner, the statement of the police officers.

Lord *Wharncliffe* begged to be allowed to remark, that it appeared to him, upon reading the late Riband trials that the evidence of Mr. Rowan, given before a committee of their Lordships last year, as to the character of these associations, was perfectly well founded. The facts of their having secret signs and passwords, of there being a confederacy for the purposes of murder, and of obedience paid to the orders of superiors, completely came out in the evidence given on the trials. If it were not a political society, it was at least so formed as to be turned with ease into a political engine. He had thought it his duty to make these few observations, and it was only justice to say, that having sat on the committee, and having read the evidence that was now lying on the table, he was satisfied that Mr. Rowan had given most excellent evidence.

Lord *Portman* said, that having been a member of the committee, he could say that the facts stated by Mr. Rowan could scarcely be disputed; but the doubt thrown on his evidence had arisen from the inferences which he drew from those facts.

The Earl of *Haddington* was anxious to say a few words on another matter which materially related to the peace of Ireland. He adverted to that agitation which, if the newspapers were to be believed, was now going on for the repeal of the union. It appeared that not long ago in the west of Ireland a very great meeting had been held, where the real character of repeal had shown itself. There the word "separation" was used, though he never had had a doubt on his own mind that if "repeal" meant anything it meant "separation," and nothing but that. This matter appeared still more serious when they considered who the leaders of that repeal agitation were; that they were persons—whether in the confidence of the Government or not he did not know—but they were persons many of whom were the most active friends and supporters of the Government, and yet they never heard any disapprobation expressed by the functionaries or the high authorities in Ireland of that agitation. It was the political character and connection with the Government of the patrons of agitation in Ireland that was one of the most dangerous incidents connected with the question of repeal. He must say, he thought the Government were highly culpable for not having expressed that disapprobation, which every man gave them credit for feeling deeply, at such mischievous and alarming agitation. That agitation too was taking place in a country where Ribandism was universally spread, and where that society might be turned by its leaders into an engine for effecting the purposes of the repeal agitation.

The Marquess of *Normanby* had stated a fortnight ago, that it would be extremely inconvenient during the progress of these trials that any discussion on this subject should take place. He now only wished to say, that on the part of the Government there was every desire to give all information on the subject. Discoveries had been made of a very important nature, and the extent of the conspiracy was perfectly well known; and the Government had a right to take credit to themselves for the manner in which they had conducted the prosecutions that had arisen out of those discoveries. With regard to Mr. Rowan, he perfectly concurred in what had been stated by his noble Friend (Lord Portman). He did not think it necessary to say more on this subject at present, but if his noble Friend wished for more information in the next session of Parliament, there was every disposition on the part of the Government to furnish it.

Petition laid on the table.

ADMINISTRATION OF JUSTICE (BIRMINGHAM).] The Marquess of *Normanby* moved the second reading of the Administration of Justice (Birmingham) Bill. It would have been introduced at an earlier period of the Session, but the Government had been waiting for the decision of the judges on the legality of the charter. Not having been able to obtain that decision, they had brought in this bill to make temporary provision for the administration of justice in Birmingham, and leaving the question of the legality of the charter wholly untouched.

The Earl of *Warwick* thought they had got into difficulties which this bill would only tend to perpetuate. From the length of time the judges had taken for their decision, there must be great doubt upon the question of the legality of the charter, but his belief was, their decision would be against it. When the Government discovered the doubt, they ought to have stopped their proceedings, and left the administration of justice in the same hands it was in before. The quarter sessions of Birmingham were now held and paid for by funds paid out of the Treasury. The prisoners were sent over first from Birmingham to Warwick gaol, then back to Birmingham to be tried, and afterwards were returned to Warwick to be imprisoned. Now, let the charter turn out how it might, that could not be altered, as there was no gaol at Birmingham. Birmingham had hitherto been without a corporation, and might it not have gone on in the same way for another year? The Government might now restore matters to the former system, but, having got into this danger, they now called on Parliament to sanction their proceedings. Suppose the charter was declared illegal, he would ask, in such case, whether the prisoners who had been convicted during the charter were legally convicted? It was embarking in a difficulty which he could not sanction, and he should therefore move, that this bill be read a second time this day three months.

Lorn *Wharncliffe* said, the question was, had there been any legal quarter sessions whatever? He believed, that every man tried had been illegally tried.

Lord *Calthorpe* said, it would be difficult to imagine any circumstances less favourable than those under which it was proposed to admit Birmingham to the functions of a corporation, and this was especially the case as regarded that part of those functions which related to the administration of justice. He always thought that so important a town as Birmingham ought to possess a corporation, but he was unfavourable to the present bill, because it would not effect that object; it would give to Birmingham not the reality but the fiction of a corporation, and he apprehended that the course which Ministers were taking would lead to the necessity of passing bills of indemnity. Now, although he should not much object to a bill of indemnity where the parties acted in ignorance, he should by no means concur in any step which would invite the commission of acts requiring such remedies.

Second reading put off for six months.

Courts of Equity.] Lord *Brougham* moved, that the amendments made by the Commons in the Administration of Justice (Court of Chancery) Bill be then agreed to. The noble and learned Lord observed, that there were two of those amendments in which which he fully concurred; one related to the increased control proposed to be given to the Lord Chancellor over the officers of the court; the other to the necessary means for increasing the efficiency of those officers as to numbers. There were several amendments made by the Commons which he should have gladly introduced into the original bill, and he, therefore, very much rejoiced to find that those alterations had been made by the other House. He was, also, glad to find that they had introduced the necessary money clauses and the clause for compensation. He confessed he felt some surprise that so much had been said elsewhere upon the subject of the Six Clerks, seeing that that department had long since been the subject of a bill which even reached a second reading. He hoped, that the next measure would be a bill for improving the administration of justice by the committee of the Privy Council. One of the evils of that tribunal was, that the judges who composed it were under no obligation to give their attendance, and in that respect they resembled the House of Lords. In former bills for improving the administration of justice the difficulty which presented itself related to the means of providing for the expenses of the proposed alterations; but he believed it would now be admitted, that that which was so precious as the administration of justice could not be purchased at too high a price.

Commons' Amendments agreed to.

Ecclesiastical Courts.] The Lord Chancellor moved, that the House do resolve itself into a committee on the Ecclesiastical Courts Bill (No. 1).

The Bill went through committee.

On the bringing up the Report,

The Earl of Devon proposed the addition of a clause to the bill, to the effect that John Thorogood should not be released until the rate and costs were paid either by himself, or some other person or persons.

The *Lord Chancellor* said, that the insertion of such a clause would frustrate the purpose of the bill. Besides no act of Parliament was necessary to make it imperative on persons in the situation of John Thorogood to pay the debt and costs of the suit, before they were released from prison.

The Duke of *Wellington* thought the case was a very simple one, and that there could be no doubt as to the course which should be taken. Here was a man who had been sued for a sum of money, which it was understood, was lawfully due by him. The law rendered him liable to pay that sum of money, and the law supported the proceedings against him for the recovery of it. This person could have easily avoided these proceedings by simply paying the sum of *5s. 6d.* which was demanded of him, or he could have gone into court and have had the question fairly tried whether he were bound to pay it or not, according to the laws of the country in which he resided, for, of course, he must be bound by the laws of his country as well as all other British subjects. But he did not choose to do either. He said, "I will not pay that money," and in consequence of his own conduct a large sum of money was incurred in the way of costs. Those costs were not matters of amusement, they were realities; they were sums of money paid for the labour of certain individuals for certain services performed in the execution of their duties under the legal authority of the ecclesiastical courts, and in this suit. Now, those costs must be paid. Were they to let the man off from paying the *5s. 6d.* for the rate, that remission would not got rid of his liability for the costs; they must be paid either by himself or his friends, or else they must be paid by the other party, by the lawful suitors, by the lawful plaintiffs, who had a right to recover the money. They were the persons who would have to pay the costs unless their Lordships consented to insert the clause proposed by his noble Friend. Somebody must pay the costs after all. But it was said, that the defendant was not to pay the costs, and that he was to be let out of prison. Well, they might let him out if they pleased; but surely, they would not call upon the plaintiffs to pay the costs incurred by his conduct. That was not justice. That was not fair between man and man. Not a soul in the House could be of that opinion; it was not consistent either with law or justice to throw these expenses upon those upon whom the law of the country had laid the necessity of incurring them. Not they, but he who by his own conduct had rendered the proceedings imperative, ought to be made to pay the costs. He, therefore, entreated their Lordships to adopt the proposition of his noble Friend.

Lord *Eldon* entirely concurred in the observations of the noble Duke. If the question was, as to the release of an insolvent after long imprisonment, he might perhaps take another view of the matter. But this person was not insolvent; it was very well known, that those who entered into his feelings, and supported him in the church-rate contest, had got up large subscriptions on his behalf. Therefore, he could not expect to be released from prison on the ground of his inability to pay. It was clear, then, that his conduct was contumacious, and if he chose to carry on his contumacy to annoy the other parties concerned, surely he ought to be prepared to suffer all the effects of his own conduct.

Lord *Wharncliffe* inquired who would pay the costs if the defendant did not? If he were released from prison without paying them, no one who refused to pay church rates hereafter would be proceeded against, because the churchwardens would naturally say, "It would be foolish for us to go to so much expense for *5s. 6d.*, for the person may go to gaol, and come out in six months saddling us with the costs. If the amendment were not adopted, their Lordships would virtually repeal all church rates by passing this bill.

The *Lord Chancellor* had given no opinion upon the question as to whether it would be unjust to make the plaintiffs or the defendant pay the costs. He might however, freely declare, that it would be quite unjust to make the plaintiffs pay them. But the fact was, that an experiment had been tried with this man for upwards of twelvemonths, without producing the effect desired—namely, the payment of either rate or costs. The defendant had preferred paying in person, and still seemed disposed to do so. The noble Lord proceeded upon the supposition that somebody else would pay these expenses. But suppose nobody did so, would the plaintiffs be in a better condition? By still keeping the defendant in gaol they would be giving him the character of a martyr, and enlisting popular sympathy in his favour and against themselves. All that might be avoided by agreeing to the bill as it stood. If the question were which ought to pay, the defendant or the plaintiff, he should not consent to let the defendant out unless he paid. The noble Lord on his left (Lord Wharncliffe) had suggested what might be the effect of the bill in other cases. In answer to that he would observe, that the cases were very rare in which men would rather go to prison for twelve months than pay *5s. 6d.* or other smaller sums demanded as church rates.

Their Lordships divided on the Earl of Devon's amendment:— Contents 28; Not-contents 15: Majority 13.

HOUSE OF COMMONS,

Friday, August 7, 1840.

Minutes.] Petitions presented. By Mr. Villiers, from Parishes in London, for the Repeal of the Corn-laws.—By Mr. T. Duncombe, from Debtors in the Queen's Bench Prison, for an Alteration in the Law relating to Insolvent Debtors.—By Dr. Lushington, from the Minor Canons of St. Paul's, Westminster Abbey, and other Cathedrals, against the Amendments made by the Lords in the Ecclesiastical Duties and Revenues Bill.

Municipal Corporations (Ireland).] A conference was held with the Peers, when their Lordships delivered to the Commons their reasons for not agreeing to certain amendments in the Municipal Corporations Bill (Ireland).

Their Lordships' reasons having been read,

Viscount *Morpeth*, in moving that the House do not insist on those amendments, in disagreeing to which the Lords had declared their intention to persevere, said, that he had hoped the Lords would have accepted some at least of those which, in his opinion, would have been a considerable improvement to the bill. In that hope he had been disappointed. But, under all the circumstances, and in the desire to see the general principle of the bill brought into operation as soon as possible, he did not intend to ask the House to persevere in the amendments they had made. He had no doubt, however, that early in the next Session, he should have to move for leave to bring in a bill to amend this bill on which so much of the time of both Houses had been expended; and that in consequence of some of the amendments made by the Lords, and their rejection of those made in that (the Commons) House. Some of the amendments of the Lords would have the effect of preventing parts of the bill from coming into operation for a year, and others for fourteen or fifteen months. He regretted this, but he repeated, that even with those amendments, it would be better to let the bill come into operation.

Mr. *Shaw* said, that he had no desire to revive discussion on that long-litigated question then about to be disposed of, but he trusted the House would allow him a few moments' indulgence to explain a matter connected with it that was personal to himself. His conduct in respect of that measure had, both in this country and Ireland, been made the subject of the grossest misrepresentation; and, indeed, he must say, so far as the press was concerned that the misrepresentation was grosser and greater by a portion of the press in both countries connected with his own political party than with that of his opponents; but, to pass by other charges which he would not stop to notice, the point which he wished to explain, would serve as a sample of the rest, and had reference to an amendment made by the House of Lords in the clause which related to his office, as Recorder of Dublin. That was denounced as a job, and he was, besides, accused of having entered into a private negotiation with the Irish law officer of the time to secure the interests of his own office, while he was inattentive to those of others. In a few words, he would put the House in possession of what the facts were upon that part of the case. When a noble and learned Friend of his, in another place, referred to an agreement made, that the court in which he sat as Recorder of Dublin was to be unaffected by the Municipal Corporation Bill, the noble Lord did not mean any personal or private agreement between him and the Irish law officers, for none such had ever occurred. What his noble Friend had alluded to, had passed publicly in that House between his right hon. Friend, the Member for Tamworth, and the late Chief Baron, Mr. Woulfe, then Attorney-general for Ireland. Up to the year 1837, the various bills introduced to regulate municipal corporations in Ireland had made no provision whatever for the administration of justice in Dublin, and had they passed in that form, the effect would have been that the court in which he sat would have been abolished, without any substitute being provided, and it would have been left to the discretion of the new town-council whether there was to be any sessions court at all in the city of Dublin, and thus the gaols and the prisoners, about which hon. Gentlemen and noble Lords had recently appeared so very solicitous, and the whole question of the administration of justice in the metropolis of Ireland, had been overlooked in the Irish Municipal Bills brought in up to 1837. Then it was that his right hon. Friend (Sir Robert Peel), in his place in the House, pointed out the absurdity and monstrous consequence of the omission, and Mr. Woulfe (the Attorney-general for Ireland) at once, on the part of himself and the Irish Government, disclaimed all such intention, and undertook to introduce a clause preserving all the powers and jurisdiction and rights of the court in which he presided unaltered, and that was the whole compact on the subject, which was strictly performed by Mr. Woulfe introducing the clause accordingly. So much, then, for the private bargain of which he had been accused. And then, as to the job as it was called. He certainly objected to that clause, so introduced by Mr. Woulfe, as the Irish law officer, being altered, in breach of Mr. Woulfe's undertaking, as was for the first time attempted by the present Solicitor-general for Ireland and, as he could not but think, in an indirect and unworthy manner. The job, he thought, was on the other side, and the amendment of the Lords defeating that merely left the clause as Mr. Woulfe had introduced it. He would not then enter upon the question, whether or not it was fitting that the Recorder of Dublin should be eligible to sit in that House; let that question be discussed on its own merits; and he would also then abstain from a topic on which he felt much more deeply, the rather because he thought the question had been unfairly treated by a noble Marquess, one of her Majesty's Ministers, who was evidently uninformed on the subject—namely, whether or not his judicial duties had been at any time in the slightest degree made subservient to his attendance as a Member of Parliament. He would only observe, that his court was regulated according to the best of his judgment and ability, without reference to any other duty. Upon that point, he would be always ready to justify himself from attack, whether made in Parliament or elsewhere. He might be permitted to add, that for the ten years that he had been a Member of that House, he had never passed a month without sitting in his court at Dublin, and had never risen leaving one single case either on the criminal or civil side of his court in arrear—that he had never voluntarily left untried either a prisoner or a civil case that was ready, or could be brought forward for trial. With regard to the bill generally, he would only repeat what he had not failed to say on every occasion of its discussion, that he regretted that the corporations in Ireland had not been altogether abolished. He was not sanguine as to the working of the measure, particularly in the first instance; still he felt, that the time was come when the settlement of the long-vexed question must be attempted; and when the bill had once passed, he felt, that it would be the duty of all parties, however much they might have differed on the subject, and whether connected with the old or the new corporations, to act in the spirit of a sincere desire to give effect to the law, and to render it as far as possible conducive to the peace and good local government of the cities and towns to which it was to be applied.

Mr. *Pigot* after what had fallen from the right hon. and learned Gentleman, felt it necessary to offer a few observations. He owned that he was much surprised to hear from him that up to 1837 there had been no provision in any of the Irish Municipal Corporation Bills which had been introduced for the administration of justice in Dublin. Now, it so happened that in every one of those bills there was a clause providing that recorders of towns should sit in their respective courts once a month, and oftner, if the Lord-lieutenant should deem it necessary. [Mr. *Shaw*—That was under the new act.]. Was it meant that Dublin should be under a distinct legislative measure? But admitting that it was to be an exception to the general rule, had any undertaking to that effect been entered into by the law officers of the Irish Government? When he heard, in 1839, of such an undertaking, he applied immediately to the late Chief Baron Woulfe, who denied having entered into any such undertaking, and said that he considered the Government quite free to take any course with respect to the Recorders Court in Dublin which it might think most beneficial to the public. Finding this, he with the full consent of the noble Lord (Lord John Russell), introduced the clause which had been sent up to the Lords and which their Lordships had rejected. Knowing this, he would beg to ask how was it that the right hon. and learned Gentleman ventured to state that he had done that in an indirect and underhand manner? He had stated publicly that he considered the clause necessary for the due administration of justice in Dublin, and from that opinion he did not now mean to recede. The right hon. and learned Gentleman had charged him with having done this in an indirect manner, with the underhand view of excluding him from a seat in that House. What reason had the right hon. and learned Gentleman for believing that he or the Government with which he was connected would shrink from the introduction of a clause to that effect if he or they considered that such a clause would conduce to the more speedy and effective administration of justice? He could assure the right hon. and learned Gentleman that he would not for an instant shrink from that duty if he felt called on to perform it. His object in the clause he had brought in was to prevent the chance of an accumulation of prisoners in Newgate, Dublin, one of the worst ordered prisons in the empire. In one month last year there were 210 prisoners in that gaol, of whom 106 were females. It was therefore of the utmost importance that such accumulations should as far as possible, be prevented in future. It was on that ground, looking to a great public object, and not to anything personally affecting the right hon. and learned Gentleman, that he had taken the course to which the right hon. Gentleman objected, and to the propriety of that course he still adhered.

Mr. *Shaw* in explanation, repeated his statement as to what had been objected by the right hon. Baronet the Member for Tamworth, in 1837, on the absurdity of omitting a provision for the administration of justice in Dublin. On that statement Mr. Woulfe, then Attorney-general undertook to introduce the clause. That clause was brought in without his being consulted on it, and all that had been done in the Lords was to reinstate it as it had been introduced by Mr. Woulfe. As to the accumulation of prisoners in Dublin gaol, he did not deny that there might be such a circumstance at times, but he would repeat that he had held a court of Sessions once in each month for many years, and that at the close of each sessions he had not left one person or one cause untried which was ready for trial, and that he considered was fully sufficient for all the purposes of justice.

Viscount *Morpeth* considered it preposterous to contend that there had been anything indirect or covert in the introduction of that provision to which reference had been made. It formed part of the bill, and was openly discussed in committee by the right hon. and learned Gentleman himself. It was introduced with a single view to the interests of the population of Dublin; and, although he had not thought it necessary to insist on a disagreement to the Lord's amendment in that respect, the subject would very likely be brought forward again next Session.

Motion agreed to, and amendments of the Lords adopted.

LIGHTHOUSES AND PILOTAGE.] Mr. *W. Attwood* called the attention of the House to several petitions which had been presented on Wednesday respecting lighthouses and pilots. They complained of the charges for lights, amounting to 1*l.* per ton on steam vessels conducting the coasting trade of the country, and dues for pilotage, which in some instances amounted to 10*l.* per cent. on the receipts. He believed the President of the Board of Trade had paid considerable attention to the subject, and he hoped during the recess some measure of relief would be adopted. He would not then enter further into particulars, but move for the returns connected with the subject of which he had given notice.

Mr. *A. Chapman* said, that a commission of inquiry had been instituted some years ago, and all the recommendations of the committee had been attended to, and the duties reduced as far as possible. He denied that the charge for lighting fell onerously on the vessels alluded to, and he was sure that no establishment could be better conducted than the Trinity House, to which he had the honour to belong. By their exertions in placing proper lights the voyage from Scotland was rendered secure, and the charge on steamers, whose safety was thereby insured, was only 14*s.* Since the introduction of the Bude light, the insurance on steamers, which used formerly to be at the rate of 7*s.* per cent., was now reduced to 5*s.* per cent., and in some instances to 3*s.* 9*d.* The steam-boat proprietors therefore were also gainers in this way.

Mr. *Labouchere* agreed in all that had fallen from the hon. Member with respect to the efficient management of the Trinity-house. He promised during the recess to direct his attention to the charges for lights but his impression was, as far as the Trinity-house lights were concerned, that the present system was equally economical and efficient. He was aware that the consideration of the present state of the pilotage laws was important to the commerce of the country, and the reason why he had not attempted to place them on a better footing was, not that he was insensible to the evils of the system, but because after the attempt made by his rt. hon. predecessor, Mr. P. Thomson, he was aware of the extreme difficulty of carrying any measure founded on general principles through Parliament, on account of the opposition stirred up by ports and other places enjoying local privileges. He would, however, during the recess, direct his attention to the subject, and endeavour to introduce next Session a bill founded on principles similar to those of the measure brought forward by Mr. P. Thompson.

Motion agreed to.

HOUSE OF LORDS,

Saturday, August 8, 1840.

MINUTES.] Bills. Read a first time:—Coal Duties (London).—Read a third time:—Linen, &c. Manufactures (Ireland); Postage; Highway Rates; Stock in Trade (No. 2); Ecclesiastical Courts (No. 1); Municipal Districts (Ireland); Exchequer Bills.

HOUSE OF COMMONS,

Saturday, August 8, 1840.

MINUTES.] Bill. Read a third time:—Coal Duties (London).

Petitions presented. By Mr. Hume, from Norfolk, Droitwich, and other places, for the Release of Political Offenders.—By Mr. Warbrrton, from Coombe, complaining of an Infringement of the Right of Common by the Scholars of King's College, Cambridge.—By the Attorney-General, from Prisoners confined for Debt in York Castle, for Relief.

ECCLESIASTICAL COURTS.] Lord *J. Russell*, in moving that the House do agree to the Lords' amendments to the Ecclesiastical Courts Bill (No. 1), said that one of those amendments he much regretted, as it made the release of the party imprisoned dependent on the payment of the debt and costs. He thought that one amendment by their Lordships, which extended the benefits of the bill to persons who had been six months in custody, was an improvement, but he repeated that it was with regret he saw the other amendment to which he had just alluded. However, as the principle of the bill was a good one, and empowered the Ecclesiascal Court to discharge persons in custody for contempt under particular circumstances, he would not ask the House to dissent from their Lordships' amendments.

Mr. *T. Duncombe* did not rise to oppose the motion of the noble Lord. He agreed with him in thinking, that the extending the jurisdiction of the court to cases where parties had been imprisoned for six months was an improvement in the bill. John Thorogood would be enabled to avail himself of the bill in that respect, for he had been more than three times six months in prison. He much regretted the other amendment which made the discharge dependent upon payment of the debt and costs; it was a shame that a bill which went to establish a good principle should be made dependent on a question of pounds, shillings, and pence—a matter of filthy lucre. Yet, even as it was, he looked upon the bill as a matter of triumph for John Thorogood and those who concurred with him on the principle of church-rate. It did indeed give a "heavy blow and great discouragement" to the collection of church-rate. He looked upon the whole of this prosecution as a cowardly affair, because it was well known that there were thousands of John Thorogoods in large and populous manufacturing towns, who refused to pay this rate, but no proceedings were taken against them. The proceedings were commenced in a rural district against a man who had been known to take an active part in parochial affairs. This, he thought, was altogether unworthy of the Church. However, after this he supposed the House would not oppose the motion of which an hon. Friend of his had given notice for next session for the total abolition of this rate.

Sir *E. Sugden* denied that the Church had anything to do with the imprisonment of John Thorogood. He was in prison because he refused to appear to a citation in the Ecclesiastical Court, over which the Church had no control whatever.

Amendments agreed to.

LIGHTING THE HOUSE.] Mr. *Hume* said, that before the Session closed, there ought to be some understanding as to what was to be done respecting the lighting of the House in the next Session. They ought to decide whether Mr. Gurney should be allowed to proceed in the recess with the plan of lighting which he had already greatly improved since his first experiments, and in which he contemplated still greater improvements between this and next Session. The light, even as it now was, was a rich mellow light, and in no way offensive to the sight. He hoped, therefore, that Mr. Gurney would be authorised to provide during the recess materials for completing his arrangements; and he believed that when the house, and the library, the division rooms, and the lobbies were lighted up with this mellow light, the whole plan would be found to give as much satisfaction as that part of it they already saw in the house. He trusted, therefore, that the Speaker would give the necessary directions for going on with the plan in the recess, and also with the plan for improving the ventilation of the house, which had hitherto been so successfully carried on by Dr. Reid. He would now move, that during the recess Mr. Gurney be permitted to proceed with his apparatus for lighting the house.

Mr. *Warburton*, in seconding the motion, bore testimony to the great improvement that had been made by Mr. Gurney's plan, which was beyond all comparison superior to the light of candles; it tended also greatly to improve the ventilation, because it facilitated the creation of a down current of air in the house, which it would be impossible to have as long as it was lighted with candles.

Sir *C. Burrell* feared, that if a strong down current was formed, it would be necessary for him and others who, like him, had not hair to protect their heads, to wear their hats, or, like an illustrious personage in another house, wear a black cap. With respect to the Bude light, he owned he was at first unfavourable to it, but since the first experiment a considerable improvement had been made, and the light was now very good; and, taking the light and the improved ventilation together, he would say, that the present house was a paradise compared to the old House of Commons.

Mr. *Hawes* said, that much credit was due to the gentleman who had undertaken the ventilation of the house, and whose plan had been so successful. As to the Bude light, he admitted that it had been greatly improved, but he hoped that the improvement would be carried still further, so that they might have the house fully lighted, without having the source of that light visible within it.

Mr. *Elliot* said, that as far as his own observations went, and from what he had heard of the opinions of others, he should think the general opinion of the House was, that the present mode of lighting was nearly perfect.

Mr. *Hume* said, that he had made the motion for the purpose of giving gentlemen an opportunity of expressing their opinion, and, as the general feeling of the House seemed to be in favour of the experiments being continued, under the direction of the Speaker, he would with leave now withdraw it.

Motion withdrawn.

HOUSE OF LORDS,

Monday, August 10, 1840.

MINUTES.] Bills. Received the Royal assent:—Exchequer Bills (10,751,550*l.*); Ecclesiastical Courts (No. 1); Court of Chancery; Infant Felons; Population; Rating Stock in Trade (No. 2); Railways; Highway Rates; Commerce and Navigation; Postage Duties; Non-Parochial Registers; Municipal Corporations (Ireland); Municipal Districts (Ireland); Church Temporalities (Ireland); Imprisonment for Debt (Ireland); Insolvent Debtors (Ireland); Population (Ireland); Dublin Police; Linen, &c. Manufactures (Ireland); Court Houses (Ireland); Shrewsbury and Holyhead Roads.—Read a second time:—Coal Duties (London).—Read a third time:—Consolidated Fund.

Petitions presented. By Lord Portman, from Somersetshire, against the manner in which the Poor-Law provided Medical Attendance.—By the Duke of Wellington, from Lyme, and Charmouth, for Alteration of certain parts of the Poor-law Amendment Act.—By Lord Brougham, from Melksham, that the Polish Refugees in this country may be allowed to correspond with their Relatives through the medium of the British Ambassador.

IDOLATRY IN INDIA.] The Bishop of *London* rose to call their Lordships' attention for a few minutes to a subject which he had some time ago brought before their Lordships. The subject to which he alluded was the connexion of the Government of India with idolatrous processions and practices in that country. When he formerly brought this matter forward, and inquired what steps had been taken, or were about to be taken, for carrying into effect the instructions sent out by the Court of Directors in 1833, he had received an assurance from the noble Viscount that every disposition existed on the part of her Majesty's Government to render those instructions effectual; and he now learned with great satisfaction, that the pilgrim-tax had been abolished at Gyah, Allahabad, and Juggernaut. It appeared, however, that with respect to the last named temple, the sum of 50,000 rupees, or 5,000*l.* sterling, had been awarded by the Indian Government to the Rajah of Khoonduh, who was connected with the temple—a transaction with respect to which he conceived some explanation was required, as to the ground on which the award was made. With respect to the attendance of European troops at idolatrous ceremonies, it was a subject on which the public mind, both in this country and in India, was considerably excited. The despatch of 1833 directed that that custom should be wholly abolished; and all that the petitioners who had come before their Lordships required was, that the instructions contained in that despatch should be fully and fairly carried out. Till a very late period, however, nothing had been done in accordance with those instructions. In Bengal the system had now been put an end to, but in the presidency of Madras nothing had yet been done. Christian troops were not only obliged to attend the idolatrous ceremonies of the Hindoos, but to appear also at Mahometan festivals. He then had in his possession a letter from an officer in the Company's service, complaining that on a recent occasion he had been obliged, on the requisition of the collector of the district, to attend at one of those idolatrous exhibitions. Many Mahometan soldiers had refused, he understood, to attend at these Hindoo idolatrous ceremonies, as being contrary to their religious feelings. Why should not the same freedom of refusal be allowed to Christians? All he and the petitioners asked was, that our Government should forbear from any interference on these occasions; that, on the one hand, they should not suffer the natives to be interrupted in the performance of their religious ceremonies; but that, on the other hand, they should not compel those who were of a different religion to pay homage at the ceremonies of a religion which they condemned. He had not the least doubt that the Government at home were desirous to carry into effect the instructions sent out in 1833; but those who were anxious to see the custom complained of entirely abolished, and who knew that until last year nothing at all had been done to reform it, had a right to demand what were the reasons which prevented the Government from carrying those instructions (which it was admitted had been neglected) into full effect? The right rev. Prelate concluded by moving for a copy of the order of the Governor-general of India for the abolition of the pilgrim tax; for a copy of the papers laid before the Indian Government relative to the grant of 50,000 rupees per annum, on account of the temple at Juggernaut; and for several other papers bearing on the same subject.

Viscount *Melbourne* had no objection to the production of the papers in question. Government were most anxious to put an end to the customs of which the petitioners complained; and, so far as related to the pilgrim-tax, that object had been effected. As to the attendance of the Company's troops at these ceremonies, it was not meant to do honour to the idol, but to the individual prince who proceeded to the worship. The respect, he repeated, was entirely paid to the prince, or Rajah, about to attend the ceremony, and not to the ceremony itself. The troops paid no attention to the ceremony which was in the course of being performed; they bore no share whatsoever in it, and could not therefore be considered as in any degree paying respect to the idol, but merely and solely to the native prince. And it was evident, having a due regard to the situation of those individuals, that whenever they appeared in public a certain degree of respect and attention should be paid to them. With respect to the care of the pagodas, it was to observed that they were in many instances connected with large and extensive property; that they were in fact charitable endowments, granted for religious purposes, and, had those trusts been handed over to the natives, there was great danger that they would have been dilapidated, and perverted from their original purposes. Therefore it was that the Indian Government had taken charge of the funds, without the smallest idea that they were thereby encouraging idolatry. As to the delay which had taken place at Madras in carrying those reforms into effect it was impossible, in consequence of the peculiar circumstances of that presidency, that they could be so immediately and so speedily introduced there as in Bengal. He was certain, however, that his noble Friend the Governor of Madras would endeavour to carry into effect, with as much expedition as possible, the instructions which had been sent out on this subject. He understood that letters had lately been received from the Governor of Madras, stating that he was about to proceed to carry the instructions of 1833 into effect. There was no indisposition; on the contrary, there was every anxiety to act upon them, and it only arose from the peculiar circumstances of the two presidencies that as much progress had not been made in the one as in the other.

The Bishop of *London* admitted that there were circumstances of difference between the two presidencies, but did not think them such as to justify the distinction which had been made with reference to the execution of the orders sent out by the Board of Directors. However, after the explanation which had been given by the noble Viscount, he should not think it necessary to carry the matter further at present,

Papers ordered to be laid on the table.

Counsel in Criminal Cases.] The Bishop of *London* presented a petition from the inhabitants of London, complaining of an alterationwhich had taken place of late years, by which prisoners charged with felony were allowed to employ counsel for their defence. That was a principle of exceedingly questionable propriety, and from what had occurred on a late most melancholy and remarkable occasion, he hoped the Government would see the propriety of referring the question to the Commisioners of Criminal Law Inquiry, in order to ascertain whether some change should not be made in the present practice. He disclaimed everything like imputation on any member of the learned profession, to whom the country was in many respects greatly indebted. The question really concerned the character of the community at large. He did not venture to give a positive opinion upon it, but this he would say, there were passages of God's word which he could not reconcile with the propriety of any man taking a reward to prove that to be otherwise which the accused himself had distinctly confessed.

Lord *Brougham* was at some loss to understand the grounds upon which the petitioners rested their prayer. The privilege of the exercise of which they complained was not that of the counsel, but of the prisoner; it was a privilege upon which the elucidation of truth, the prevention of injustice depended, and the life, liberties, and property of the subject were not worth an hour's purchase if the freest scope, he would say more, the most unrestrained license was not given to the bar. Whether in a case which was right or wrong this was the rule, the sacred rule of the profession, and it was one upon which the safety of the administration of justice depended. With regard to the judgment of counsel, as to the propriety or impropriety of taking any case in hand, how, he would ask, could any man know a case to be a bad one before it was tried? Was he to enter into an investigation of it, sitting in his chambers, upon an *ex-parte* statement? Supposing he did so, and should then refuse to enter upon the defence, what would be the consequence? The door would be opened to the possibility of a refusal being given to be counsel in a case, and if a man had a right to refuse to act in one case, the same right might be exercised in others. If once a barrister were to be allowed to refuse a brief, and to say he would not defend a man because he was in the wrong, many would be found who would refuse to defend men, not on account of the case, but because they were weak men, under the pressure of unpopularity, against whom power had set its mark, because they were the victims of oppression, or were about to be made so, or because it would not be convenient for parties at all times to beard power on behalf of individuals, in the situation of prisoners.

The Bishop of *London* said, the noble and learned Lord had admirably demolished the phantom of his own creation, for he had said nothing which called for the observations made by the noble Lord. It was not competent for a counsel to refuse a brief, but he lamented the hardship of the law, which, since the recent alteration which had been made in its provisions, might compel a man to do that which was against his own conscience, namely, defend by a speech a man whom he knew to be guilty.

Petition laid on the table.

HOUSE OF COMMONS,

Monday, August 10, 1840.

Minutes.] Petitions presented. By Sir F. Pollock, from Glasgow, for the Dismissal of Ministers.—By Mr. T. Duncombe, from Mr. Bronterre O'Brien, to be Released or Removed from Lancaster Castle.

Loan Societies.] Mr. F. Maule moved that the House do agree with the Lords' Amendments to the Loan Societies Bill.

Amendments agreed to as far as clause A.

On this clause,

Mr. *Hawes* rose to oppose that amendment (of the Lords). It prevented any Loan Society from holding its sitting in any public-house, beer-shop, or tavern, under a penalty of 10*l.* He would rather get rid of the bill altogether than consent to this clause, and he now moved its omission.

Mr. *Wakley* concurred in Mr. Hawes's view of the clause, and seconded the motion.

Mr. *F. Maule* did not approve of the clause, but he feared its rejection would risk the bill in the present Session. If he thought it could be got rid of without endangering the bill, he would oppose it.

The House divided on the question that the clause be omitted: Ayes 40; Noes 14: Majority 26.

List of the AYES.

Baring, rt. hn. F. T.
Bridgeman, H.
Bryan, G.
Clay, W.
Dennison, W. J.
Divett, E.
Elliot, hon. J. E.
Evans, Sir de L.
Ewart, W.
Fazakerley, J. N.
Grey, rt. hn. Sir C.
Harcourt, G. G.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hoskins, K.
Lushington, rt. hn. S.
Maule, hon. F.
Morris, D.
Muskett, G. A.
Palmer, G.
Palmerston, Viscount
Pattison, J.
Pechell, Captain
Philips, M.
Price, Sir R.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Seale, Sir J. H.
Smith, B.
Smith, R. V.
Stewart, J.
Sturt, H. C.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Wakley, T.
Warburton, H.
Wood, B.
Yates, J. A.

TELLERS.
Hawes, B.
Duncombe, T.

List of the NOES.

Blackstone, W. S.
Broadley, H.
Brotherton, J.
Burrell, Sir C.
Corry, hon. H.
Dottin, A. R.
Douglas, Sir C. E.
Estcourt, T.
Hobhouse, T. B.
Holmes, W.
Ingham, R.
Irton, S.
Somerset, Lord G.
Trotter, J.

TELLERS.
Freshfield, J.
Aglionby, H. A.

The clause struck out.

Other amendments agreed to.

A conference was held with the Lords to explain the Commons reasons for rejecting the amendment. Their Lordships subsequently communicated to the Commons, that they did not insist on their amendment.

JOINT-STOCK BANKS.] On the Order of the Day for taking into consideration the Lords' amendments to the Joint-Stock Banking Companies Bill,

The *Chancellor of the Exchequer* moved that the House disagree to the Lords' amendment on the 8th clause, to enable a party, on getting judgment against the secretary or other officer of the company, to have execution against any one of the shareholders. He had no objection to making all the shareholders liable, if due notice were given; but this amendment went to extend the liability so far both as to time and amount, that, especially at the end of the Session, when there was not opportunity for considering all the bearings of so important an alteration of the law, he could not agree to it.

Motion agreed to.

A conference was held with the Lords on the subject, and their Lordships did not insist on their amendment.

* * *

HOUSE OF LORDS,

Tuesday, August 11, 1840.

MINUTES.] Bills. Read a third time:—Coal Duties (London).

PROROGATION OF PARLIAMENT.] Her Majesty went in State to-day to the House of Lords, and on the House of Commons having appeared at the Bar, the Speaker addressed her Majesty as follows:—

"*Most Gracious Sovereign*,

"We, your Majesty's faithful Commons of Great Britain and Ireland, attend your Majesty with a Bill that closes the supplies for the present year.

"In granting these supplies to your Majesty, we have shown our determination to support the public credit, and to maintain the national honour; and, although it has been our painful duty to impose additional burdens on the public, we have endeavoured to increase the available revenues of the country by such measures of taxation as will produce the least possible derangement to its commerce and industry.

"At the commencement of the present Session your Majesty was graciously pleased to recommend to our attention the subject of an union between the Canadas, the state of Municipal Corporations in Ireland, and the Report of the Ecclesiastical Commissioners with reference to the Established Church. We have applied ourselves with unremitting diligence to the consideration of these important subjects. We have enabled your Majesty to reunite the provinces of Upper and Lower Canada, and it has been our anxious desire so to provide for the constitutional government of that colony as to insure its permanent tranquillity, and by removing every obstacle to the full developement of its resources, to lay the foundation for its future prosperity, and to render it a source of strength and greatness to the empire.

"The municipal institutions of Ireland have long since been ascertained to be inconsistent with the present state of society, and to be ill adapted to the wants of the Irish people. To remedy these defects, we have remodelled the corporations of the larger cities and towns; we have enlarged and defined the franchise, and by extending to Ireland the same principles which have been successfully applied to England and Scotland, we trust we have insured to the municipal institutions of that part of the United Kingdom the respect and confidence of those for whose advantage they have been established.

"We have anxiously considered the recommendations of the Ecclesiastical Commissioners, with the view of supplying the want of churches, and of resident clergy, which is so much felt in various parts of the country. To increase the fund applicable to those objects, we have made most important modifications in the constitution of chapters and cathedral colleges, which, without impairing the efficiency of those venerable institutions, will furnish the means of providing a large class of your Majesty's subjects with the blessings of public worship and sound religious instruction. Various other subjects have pressed on our consideration during the present Session, but these three important measures have been brought to completion, in pursuance of your Majesty's gracious recommendation. We anxiously hope, under the blessing of Divine Providence, that they will produce those salutary results which we have ventured to anticipate, and we feel confident that they will be regarded as additional proofs of your Majesty's constant desire to advance the constitutional liberties, and promote the religious welfare of your loyal and grateful people. It is now my duty to present to your Majesty a Bill to apply a sum out of the Consolidated Fund for the service of the year 1840, and to appropriate the supplies granted in the present Session of Parliament, to which, with all humility, we pray your Majesty's Royal assent."

The Royal assent was then given in the usual form by her Majesty to the following Bills:—Consolidated Fund; Ecclesiastical Duties and Revenues; Loan Societies; Joint Stock Banking Companies; and Coal Duties (London).

Her Majesty then read the following most gracious Speech:—

"*My Lords and Gentlemen,*

"The state of public business enables me to close this Session of Parliament; and in releasing you from your attendance, I have to thank you for the care and attention with which you have discharged your important duties.

"I continue to receive from foreign Powers, assurances of their friendly disposition, and of their anxious desire for the maintenance of peace.

"I congratulate you upon the termination of the civil war in Spain. The objects for which the quadruple engagements of 1834 were contracted having now been accomplished, I am in communication with the Queen of Spain with a view to withdraw the naval force which, in pursuance of those engagements, I have hitherto stationed on the northern coast of Spain.

"I am happy to inform you, that the differences with the Government of Naples, the grounds and causes of which have been laid before you, have been put into a train of adjustment by the friendly mediation of the King of the French.

"I rejoice also to acquaint you, that the Government of Portugal has made arrangements for satisfying certain just claims of some of my subjects, and for the payment of a sum due to this country under the stipulations of the Convention of 1827.

"I am engaged, in concert with the Emperor of Austria, the King of Prussia, the Emperor of Russia, and the Sultan, in measures intended to effect the permanent pacification of the Levant, to maintain the integrity and independence of the Ottoman Empire, and thereby to afford additional security for the peace of Europe.

"The violent injuries inflicted upon some of my subjects by the officers of the Emperor of China, and the indignities offered to an agent of my Crown, have compelled me to send to the coast of China a naval and military force for the purpose of demanding reparation and redress.

"I have gladly given my assent to the Act for the Regulation of Municipal Corporations in Ireland.

"I trust, that the law which you have framed for further carrying into effect the Reports of the Ecclesiastical Commissioners will have the beneficial effect of increasing the efficiency of the Established Church, and of better providing for the religious instruction of my people.

"I have observed with much satisfaction, the result of your deliberations on the subject of Canada. It will be my duty to execute the measures which you have adopted in such a manner as, without impairing the Executive authority, may satisfy the just wishes of my subjects, and provide for the permanent welfare and security of my North American Provinces.

"The Legislative bodies of Jamaica have applied themselves to the prepation laws rendered necessary or expedient by the altered state of society. Some of these laws require revision and amendment; but I have every reason to expect cordial assistance from the Assembly of Jamaica in the salutary work of improving the condition and elevating the character of the inhabitants of that Colony. The conduct of the emancipated negroes throughout the West Indies has been remarkable for tranquil obedience to the law, and a peaceable demeanour in all the relations of social life.

"*Gentlemen of the House of Commons,*

"I thank you for the Supplies which you have granted for the service of the year.

"I lament, that it should have been necessary to impose additional burdens upon my people; but I trust, that the means which you have adopted for the purpose of meeting the exigencies of the public service, are calculated to press with as little severity as possible upon all classes of the community.

"*My Lords and Gentlemen,*

"In returning to your respective Counties, you will resume those duties which you perform so much to the public benefit and advantage. It is my anxious desire to maintain tranquillity at home and peace abroad. To these objects, so essential to the interests of this country and to the general welfare of mankind, my efforts will be sincerely and unremittingly directed; and, feeling assured of your co-operation and support, I humbly rely upon the superintending care and continued protection of Divine Providence."

Then the *Lord Chancellor*, by her Majesty's command, said:—

"*My Lords and Gentlemen*,

"It is her Majesty's Royal will and pleasure, that this Parliament be prorogued to Thursday, the 8th day of October next, to be then here holden; and this Parliament is accordingly prorogued to Thursday, the 8th day of October next."

Her Majesty then withdrew, and the Lords separated.

HOUSE OF COMMONS,

Tuesday, August 11, 1840.

MINUTES.] Bill. Read a first time:—Medical Profession.
Petition presented. By Mr. Hawes, from London, for Protection to Witnesses giving Evidence in Criminal Prosecutions.

PROROGATION OF PARLIAMENT.] The two Houses of Parliament were this day prorogued; for Mr. Speaker's speech on the occasion, her Majesty's speech, and the other proceedings, see Lords *ante*.

TABLE OF STATUTES.

A

TABLE

OF

All the STATUTES passed in the THIRD Session of the THIRTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland.*

3° & 4° *VICT.*

PUBLIC GENERAL ACTS.

i. AN Act for exhibiting a Bill in this present Parliament for naturalizing His Serene Highness Prince *Albert* of *Saxe Coburg* and *Gotha.*

ii. An Act for the Naturalization of His Serene Highness Prince *Albert* of *Saxe Coburg* and *Gotha.*

iii. An Act for enabling Her Majesty to grant an Annuity to His Serene Highness Prince *Albert* of *Saxe Coburg* and *Gotha.*

iv. An Act to apply the Sum of Two Millions to the Service of the Year One thousand eight hundred and forty.

v. An Act to repeal so much of an Act passed in the Thirteenth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to restrain and prevent the excessive Increase of Horse Races; and for amending an Act made in the last Session of Parliament, intituled ‘An Act for the more effectual preventing of excessive and deceitful Gaming,’* as relates to the Subject of Horse Racing.

vi. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

vii. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty.

viii. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

ix. An Act to give summary Protection to Persons employed in the Publication of Parliamentary Papers.

x. An Act to authorise the Issue of Exchequer Bills for Public Works and Fisheries and Employment of the Poor.

xi. An Act to settle an Annuity on Lord *Seaton* and the Two next surviving Heirs Male of the Body of the said Lord *Seaton* to whom the Title of Lord *Seaton* shall descend, in consideration of his important Services.

xii. An Act for raising the Sum of Eleven Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty.

xiii. An Act to amend an Act of the First and Second Years of the Reign of Her present Majesty, to abolish Compositions for Tithes in *Ireland,* and to substitute Rent-charges in lieu thereof.

xiv. An Act to continue for One Year, and to the End of the next Session of Parliament, the Acts for the Relief of Insolvent Debtors in *Ireland.*

xv. An Act further to explain and amend the Acts for the Commutation of Tithes in *England* and *Wales.*

xvi. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-one; and for the Relief of Clerks to Attornies and Solicitors in certain Cases.

xvii. An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes.

xviii. An Act to discontinue the Excise Survey on Tobacco, and to provide other Regulations in lieu thereof.

xix. An Act for granting to Her Majesty an additional Duty of Customs on Timber.

xx. An Act to amend an Act passed in the First Year of the Reign of His late Majesty King *George* the First, intituled *An Act for rendering more effectual Her late Majesty's gracious Intentions for the Augmentation of the Maintenance of the Poor Clergy;* and to render valid certain Agreements which have been made in pursuance of the said Act; and for other Purposes.

xxi. An Act to extend to the *British* Colonies in the *West Indies* an Act passed in the Fifth and Sixth Year of His late Majesty King

William the Fourth, for regulating the Carriage of Passengers in Merchant Vessels.

xxii. An Act to impose upon Broad or Spread Glass the same Duties of Excise that are payable upon German Sheet Glass.

xxiii. An Act for granting to her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-one, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty.

xxiv. An Act to repeal Part of an Act of the Forty-third Year of the Reign of Queen *Elizabeth*, intituled *An Act to avoid trifling and frivolous Suits in Law in Her Majesty's Courts in* Westminster, and of an Act of the Twenty-second and Twenty-third Year of the Reign of King *Charles* the Second, intituled *An Act for laying Impositions on Proceedings at Law;* and to make further provisions in lieu thereof.

xxv. An Act to amend the Act for the better ordering of Prisons.

xxvi. An Act to remove Doubts as to the Competency of Persons, being rated Inhabitants of any Parish, to give Evidence in certain Cases.

xxvii. An Act to continue to the First Day of *August* One thousand eight hundred and forty-three, and thence to the End of the then next Session of Parliament, Two Acts relating to the Removal of poor Persons born in *Scotland* and *Ireland*, and chargeable to Parishes in *England*.

xxviii. An Act to explain and amend an Act of the Second and Third Years of Her present Majesty, for more equally assessing and levying Watch Rates in certain Boroughs.

xxix. An Act to extend the Practice of Vaccination.

xxx. An Act for the more equal Assessment of Police Rates in *Manchester*, *Birmingham*, and *Bolton*, and to make better Provision for the Police in *Birmingham* for One Year, and to the End of the then next Session of Parliament.

xxxi. An Act to extend the Powers and Provisions of the several Acts relating to the Inclosure of Open and Arable Fields in *England* and *Wales*.

xxxii. An Act to continue for One Year, and from thence until the End of the then next Session of Parliament, the several Acts relating to the Importation and keeping of Arms and Gunpowder in *Ireland*.

xxxiii. An Act to make certain Provisions and Regulations in respect to the Exercise, within *England* and *Ireland*, of their Office, by the Bishops and Clergy of the Protestant Episcopal Church in *Scotland;* and also to extend such Provisions and Regulations to the Bishops and Clergy of the Protestant Episcopal Church in the United States of *America;* and also to make further Regulations in respect to Bishops and Clergy other than those of the United Church of *England* and *Ireland*.

xxxiv. An Act for making Provision as to the Office of Master in Chancery in certain Cases.

xxxv. An Act to re-unite the Provinces of *Upper* and *Lower Canada*, and for the Government of *Canada*.

xxxvi. An Act for preventing Ships clearing out from a *British North American* Port loading any Part of their Cargo of Timber upon Deck.

xxxvii. An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and for providing for the Observance of Discipline in the *Indian* Navy, and to amend the Laws for regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service.

xxxviii. An Act to continue Compositions for Assessed Taxes until the Fifth Day of *April* One thousand eight hundred and forty-two.

xxxix. An Act to authorise trustees or Commissioners of Turnpike Roads to appoint Meetings for executing their Trusts in certain Cases.

xl. An Act to amend Two Acts of His late Majesty King *William* the Fourth, for the Relief of certain of Her Majesty's Colonies and Plantations in the *West Indies*.

xli. An Act to authorise the Commissioners of Her Majesty's Treasury to grant a Lease of the *Caledonian* Canal for a Term of Years, and to regulate the future Management thereof.

xlii. An Act to continue the Poor Law Commission until the Thirty-first Day of *December* One thousand eight hundred and forty-one.

xliii. An Act for repairing *Blenheim Palace*.

xliv. An Act to amend an Act of the Seventh Year of King *George* the Fourth, for consolidating and amending the Laws relating to Prisons in *Ireland*.

xlv. An Act to continue until the First Day of *June* One thousand eight hundred and forty-two, or if Parliament shall then be sitting until the End of the then Session of Parliament, the Local Turnpike Acts for *Great Britain* which expire with this or the ensuing Session of Parliament.

xlvi. An Act to continue for One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament, the several Acts for regulating the Turnpike Roads in *Ireland*.

xlvii. An Act to repeal so much of an Act of the Ninth Year of the Reign of Her late Majesty Queen *Anne* as prevents the Re-election of Mayors of Parliamentary Boroughs and other annual Returning Officers.

xlviii. An Act to enable Proprietors of Entailed Estates in *Scotland* to feu or lease on long Leases Portions of the same for the building of Churches and Schools, and for Dwelling Houses and Gardens for the Ministers and Masters thereof.

xlix. An Act to consolidate and amend the Laws for collecting the Duties of Excise on Soap made in *Great Britain*.

l. An Act to provide for keeping the Peace on Canals and Navigable Rivers.

li. An Act to amend and explain the general Turnpike Acts, so far as relates to the Toll payable on Carriages or Horses laden with Lime for the Improvement of Land.

lii. An Act to provide for the Administration of the Government in case the Crown should descend to any Issue of her Majesty whilst such Issue shall be under the age of Eighteen Years, and for the Care and Guardianship of such Issue.

liii. An Act for Vacating any Presentment for rebuilding the Gaol of *Newgate* in *Dublin*, and vacating any Contract between the Commissioners for rebuilding the said Gaol and the Contractor.

liv. An Act for making further Provision for the Confinement and Maintenance of Insane Prisoners.

lv. An Act to enable the Owners of Settled Estates to defray the Expense of draining the same by way of Mortgage.

lvi. An Act further to regulate the Trade of Ships built and trading within the Limits of the *East India* Company's Charter.

lvii. An Act to impose Duties of Excise on Sugar manufactured in the United Kingdom.

lviii. An Act to amend the Acts relating to the River *Poddle* in the County and City of *Dublin.*

lix. An Act for the Amendment of the Law of Evidence in *Scotland.*

lx. An Act to further amend the Church Building Acts.

lxi. An Act to amend the Acts relating to the general Sale of Beer and Cider by Retail in *England.*

lxii. An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-one, and to the End of the then next Session of Parliament, and to extend, the Provisions of an Act to provide for the Administration of Justice in *New South Wales* and *Van Diemen's Land*, and for the more effectual Government thereof, and for other Purposes relating thereto.

lxiii. An Act to extend the Powers of the Commissioners appointed for the execution of Two Acts for supporting the several Harbours and Sea Ports in the *Isle of Man.*

lxiv. An Act to continue, until Eight Months after the Commencement of the next Session of Parliament, an Act for authorizing Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties for the Suppression of the Slave Trade.

lxv. An Act to improve the Practice and extend the Jurisdiction of the High Court of Admiralty of *England.*

lxvi. An Act to make Provision for the Judge, Registrar, and Marshal of the High Court of Admiralty of *England.*

lxvii. An Act for carrying into effect the Treaty between Her Majesty and the Republic of *Venezuela*, for the Suppression of the Slave Trade.

lxviii. An Act to enable Her Majesty in Council to authorise Ships and Vessels belonging to Countries having Treaties of Reciprocity with the United Kingdom to be piloted, in certain Cases, without having a licensed Pilot on board; and also to regulate the Mode in which Pilot Boats shall be painted and distinguished.

lxix. An Act to continue, for Six Months after the Commencement of the next Session of Parliament, an Act of the last Session of Parliament, for carrying into effect a Convention between Her Majesty and the King of the *French*, relative to the Fisheries on the Coasts of the *British* Islands and of *France.*

lxx. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Sergeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and forty-one.

lxxi. An Act to suspend until the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

lxxii. An Act to provide for the Solemnization of Marriages in the Districts in or near which the Parties reside.

lxxiii. An Act to explain and amend the Acts relating to Friendly Societies.

lxxiv. An Act for the better Protection of the Oyster Fisheries in *Scotland.*

lxxv. An Act to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of *Ireland* for the Public Service.

lxxvi. An Act to empower the Lord Lieutenant of *Ireland* to annex certain Townlands to the County of *Roscommon.*

lxxvii. An Act for improving the Condition and extending the Benefits of Grammar Schools.

lxxviii. An Act to provide for the Sale of the Clergy Reserves in the Province of *Canada*, and for the Distribution of the Proceeds thereof.

lxxix. An Act to amend the Law relating to the Admission of Attornies and Solicitors to practise in the Courts of Law and Equity in *Ireland.*

lxxx. An Act to continue until the First Day of *March* One thousand eight hundred and forty-five, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in *India.*

lxxxi. An Act to define the Notice of Elections of Members to serve in Parliament for Cities, Towns, and Boroughs in *England.*

lxxxii. An Act for further amending the Act for abolishing Arrest on Mesne Process in Civil Actions.

lxxxiii. An Act to continue, until the First Day of *January*, One thousand eight hundred and forty-three, an Act of the last Session of Parliament, for amending and extending the Provisions of an Act of the First Year of Her present Majesty, for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury.

lxxxiv. An Act for better defining the Powers of Justices within the Metropolitan Police District.

lxxxv. An Act for the Regulation of Chimney Sweepers and Chimneys.

lxxxvi. An Act for better enforcing Church Discipline.

lxxxvii. An Act to enable Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, to make additional Thoroughfares in the Metropolis.

lxxxviii. An Act to amend the Act for the Establishment of County and District Constables.

lxxxix. An Act to exempt, until the Thirty-first Day of *December*, One thousand eight hundred and forty-one, Inhabitants of Parishes, Townships, and Villages, from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

xc. An Act for the Care and Education of Infants who may be convicted of Felony.

xci. An Act for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in *Ireland*, and for the better Payment of their Wages, for One Year, and from thence to the End of the then next Session of Parliament.

xcii. An Act for enabling Courts of Justice to admit Non-parochial Registers as Evidence of Births or Baptisms, Deaths or Burials, and Marriages.

xciii. An Act to amend the Act for the better Regulation of Ecclesiastical Courts in *England.*

xciv, An Act for facilitating the Administration of Justice in the Court of Chancery.

xcv. An Act to enable Her Majesty to carry into effect certain Stipulations contained in a Treaty of Commerce and Navigation between Her Majesty and the Emperor of *Austria;* and to empower Her Majesty to declare, by Order in Council, that Ports which are the most natural and convenient Shipping Ports of States within whose Dominions they are not situated may in certain Cases be considered, for all Purposes of Trade with Her Majesty's Dominions, as the National Ports of such States.

xcvi. An Act for the Regulation of the Duties of Postage.

xcvii. An Act for regulating Railways.

xcviii. An Act to authorize, for a limited Time, the Application of a Portion of the Highway Rates to Turnpike Roads in certain Townships and Districts.

xcix. An Act for taking an Account of the Population of *Great Britain.*

c. An Act for taking an Account of the Population of *Ireland.*

ci. An Act to amend several Acts relating to the Temporalities of the Church in *Ireland.*

cii. An Act to amend the Law relating to Court Houses in *Ireland.*

ciii. An Act to amend an Act of the last Session for making further Provisions relating to the Police in the District of *Dublin* Metropolis.

civ. An Act to transfer to the Commissioners of Her Majesty's Woods and Works, and other Commissioners, the several Powers now vested in the Commissioners for repairing the Line of Road from *Shrewsbury* in the County of *Salop* to *Bangor Ferry* in the County of *Carnarvon;* and to amend the *London* and *Holyhead* Roads Acts, so far as relates to the *Dunstable* Road.

cv. An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice in *Ireland.*

cvi. An Act for raising the Sum of Ten millions seven hundred fifty-one thousand five hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty.

cvii. An Act to continue and amend the Laws for the Relief of Insolvent Debtors in *Ireland.*

cviii. An Act for the Regulation of Municipal Corporations in *Ireland.*

cix. An Act to annex certain Parts of certain Counties of Cities to adjoining Counties; to make further Provision for Compensation of Officers in Boroughs; to limit the Borough Rate; and to continue for a limited Time an Act to restrain the Alienation of Corporate Property in *Ireland.*

cx. An Act to amend the Laws relating to Loan Societies.

cxi. An Act to continue until the Thirty-first Day of *August* One thousand eight hundred and forty-two, and to extend, the Provisions of an Act of the First and Second Years of Her present Majesty, relating to Legal Proceedings by certain Joint Stock Banking Companies against their own Members, and by such Members against the Companies.

cxii. An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty, and to appropriate the Supplies granted in this Session of Parliament.

cxiii. An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act to enable the *Chard* Canal Company to raise further Monies, and to amend the Act relating to the same Canal.

ii. An Act to amend the Act relating to "The *Chester* and *Birkenhead* Railway," and to raise a further Sum of Money for the Purposes of the said Undertaking.

iii. An Act to enable the *Sheffield* and *Rotherham* Railway Company to raise a further Sum of Money; and to amend the Act relating to the said Railway.

iv. An Act to enable the *Lancaster* and *Preston* Junction Railway Company to raise a further Sum of Money; and to amend the Act relating such Railway.

v. An Act to enable "The North Union Railway Company" to raise a further Sum of Money.

vi. An Act to enable "The *Liverpool East India* Warehouse Company" to sue and be sued in the Name of the Chairman, Deputy Chairman, or any One of the Directors of the said Company; and for other Purposes relating thereto.

vii. An Act to amend an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for providing additional Burying Ground for the Parish of* Saint Mary Rotherhithe *in the County of* Surrey; and for enabling the Rector of the said Parish to grant Building Leases of the

Glebe Lands belonging to the said Rectory; and for other purposes.

viii. An Act for establishing a General Cemetery for the Interment of the Dead in the City and Borough of *Winchester* in the County of *Southampton*.

ix. An Act to amend and enlarge the Powers and Provisions of an Act passed in the Twenty-eighth Year of the Reign of His Majesty King *George* the Second, for building a Chapel in the Town of *Wolverhampton* in the County of *Stafford*.

x. An Act for the more easy and speedy Recovery of Small Debts within the Towns and Boroughs of *Brighton* and *New Shoreham*, and other Places or Parishes adjacent or near thereto, in the County of *Sussex*.

xi. An Act for making a Turnpike Road from *West Kennet* to *Amesbury* in the County of *Wilts*, with Branches therefrom.

xii. An Act for the better lighting with Gas the City of *Edinburgh* and Town of *Leith*, and Places adjacent, and for other Purposes relating thereto.

xiii. An Act for enabling the *Edinburgh* Gas Light Company more effectually to light with Gas the Town of *Leith*, the Vicinity thereof, and other Places in the County of *Edinburgh*; and for altering and enlarging the Powers of the said Company.

xiv. An Act to enable the *Arbroath* and *Forfar* Railway Company to raise a further Sum of Money, and otherwise to amend and enlarge the Powers and Provisions of the Act relating to the *Arbroath* and *Forfar* Railway.

xv. An Act to enable the *Manchester* and *Salford* Junction Canal Company to raise a further Sum of Money; and to alter, amend, and enlarge some of the Powers and Provisions of the Act relating to the said Canal.

xvi. An Act to continue and amend an Act for Erecting a Bridge over the River *Almond*, which divides the Counties of *Edinburgh* and *Linlithgow*.

xvii. An Act for abolishing certain Petty and Market Customs in the City of *Edinburgh*, and granting other Duties in lieu thereof.

xviii. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Bolton* and other Places in the County of *Lancaster*.

xix. An Act to enable "The *Thames* Plate Glass Company" to sue and be sued in the Name of the Chairman or Deputy Chairman, or Secretary, or any One of the Directors for the Time being of the said Company; and for other Purposes.

xx. An Act to enable the Protestant Dissenters and General Life and Fire Insurance Company to sue and be sued in the Name of the Chairman, Deputy Chairman, or any One of the Directors or of the Secretary of the said Company.

xxi. An Act for making and repairing several Roads in and leading to and from the Town of *Warminster* in the County of *Wilts*.

xxii. An Act for making and maintaining a new Road from the Road at *Worle* to a Road in the Parish of *Kewstoke* leading to *Locking* and *Weston-super-Mare* in the County of *Somerset*.

xxiii. An Act to amend and explain some of the Provisions of the Acts relating to the General Steam Navigation Company.

xxiv. An Act for consolidating the *Wyrley* and *Essington* Canal Navigation with the *Birmingham* Canal Navigations, and for granting further Powers to the Company of Proprietors of the *Birmingham* Canal Navigations.

xxv. An Act for the more easy and speedy Recovery of Small Debts within the Township of *Newton Abbot*, and other Townships, Parishes, and Places, all in the County of *Devon*.

xxvi. An Act for making and maintaining a new Bridge over the River *Aire* at *Leeds*, at or near a Place called *Crown Point*, with suitable Approaches thereto; and for making certain Drains or Water-courses under the Roads leading to such Bridge, and through the adjoining Lands, to communicate with the River *Aire* below the *Leeds* Locks.

xxvii. An Act for the further Improvement of the Town of *Greenock*; for better lighting and supplying the same with Water; for regulating the Police thereof; and for other Purposes connected therewith.

xxviii. An Act to continue the Term and amend and alter the Powers of an Act for regulating the Police of the Burgh of *Calton* and Village and Lands of *Mile End* in the County of *Lanark*.

xxix. An Act to continue, enlarge, and explain several Acts for erecting a Bridewell for the County of *Lanark* and City of *Glasgow*.

xxx. An Act to authorize the Transfer to more than Twelve Persons of certain Patents granted to the Marquess of *Tweeddale* relating to the Manufacture of Drain-tiles, Bricks, and other Articles, and for the Establishment of a Company for carrying out the Objects of the said Patents.

xxxi. An Act for more effectually repairing the Road from *Basingstoke* in the County of *Southampton* to *Lobcomb Corner* in the County of *Wilts*, and other Roads therein described; and for making a new Road from the said Road at the Eastern Entrance of the Town of *Andover* to the *Warren Farm* Station on the *London* and South-western Railway in the said County of *Southampton*.

xxxii. An Act for repairing and improving the Road from *Macclesfield* to *Congleton* in the County of *Chester*.

xxxiii. An Act for extending the Jurisdiction of the *Barkston-Ash* and *Skyrack* Court of Requests, and the Powers and Provisions of the Act passed constituting such Court, to certain Places in the West and East Ridings of the County of *York*, and amending the same Act.

xxxiv. An Act for repairing and improving the Roads from *Lobcombe Corner* in the Parish of *Winterslow* to the City of *New Sarum* in the County of Wilts, and from the said City to *Landford* and other Roads in the County of *Southampton*.

xxxv. An Act for more effectually repairing and improving certain Roads near *Torquay*, *Paignton*, *Brixham*, *Kingswear*, *Newton Abbot*, and *Shaldon*, and for making certain new Roads connected therewith, all in the County of *Devon*.

xxxvi. An Act for more effectually repairing several Roads leading from the Town of *Taunton* in the County of *Somerset*, and for making several Deviations and new Lines of Road connected therewith.

xxxvii. An Act for more effectually repairing the Road from the *Honiton* Turnpike Road near

Yard Farm in the Parish of *Upottery* in the County of *Devon*, towards *Ilminster*, to the Eastern Boundary of the Parish of *Buckland Saint Mary* in the County of *Somerset;* and for making, maintaining, and repairing several other Roads communicating therewith in the Counties of *Devon*, *Somerset*, and *Dorset*.

xxxviii. An Act for repairing and maintaining a Road from *Banbury* in the County of *Oxford* to *Lutterworth* in the County of *Leicester*, and other Roads communicating therewith.

xxxix. An Act for maintaining and repairing the Road from *Causeway Head* near *Stirling*, through the County of *Clackmannan*, by the Foot of the *Ochil Hills*, towards *Queensferry*, and certain Roads branching out of the same.

xl. An Act to alter and amend several Acts, for making, maintaining, and keeping in repair certain Roads in the Counties of *Clackmannan* and *Perth;* and for other Purposes relating thereto.

xli. An Act to enable the *Scottish* Widows Fund and Life Assurance Society to sue and be sued; and for other Purposes relating to the said Society.

xlii. An Act for better lighting and supplying with Gas the Town and Neighbourhood of *Dewsbury* in the West Riding of the County of *York*.

xliii. An Act for amending the Powers and Provisions of several Acts relating to the holding of Markets in the Town of *Taunton* in the County of *Somerset*, and to the Improvement of the said Town.

xliv. An Act for regulating and preserving the Harbour of *Workington* in the County of *Cumberland*, and for other Purposes relating thereto.

xlv. An Act for paving, cleansing, watching, and otherwise improving the Town of *Workington* in the County of *Cumberland*.

xlvi. An Act to alter and divert a Portion of the Line of the South-eastern Railway in the County of *Kent*.

xlvii. An Act to amend and enlarge the Powers and Provisions of the Acts relating to the *Bristol* and *Exeter* Railway.

xlviii. An Act to amend the Act relating to the *Newcastle-upon-Tyne* and *North Shields* Railway, and to raise a further Sum of Money for the Purposes of the said Undertaking.

xlix. An Act for incorporating the *Chester* and *Crewe* Railway with the Grand Junction Railway, and for extending to the said first-mentioned Railway the Provisions of the several Acts of Parliament relating to the said last-mentioned Railway; and for other Purposes.

l. An Act to revive the Powers given to the *Thames* Tunnel Company for the Purchase of certain Houses, Lands, and Premises in the Parish of *Saint John of Wapping*.

li. An Act to make a further Alteration in the Line of the *Birmingham* and *Derby* Junction Railway, and an Approach thereto at *Tamworth*, and to amend the Acts relating to the said Railway.

lii. An Act to enable the Northern and Eastern Railway Company to abandon a Portion of the Line originally authorised to be made; and to alter and amend several of the Powers and Provisions of the Acts relating to the said Railway.

liii. An Act to amend and continue the Act relating to the *Glasgow*, *Paisley*, *Kilmarnock*, and *Ayr* Railway, and to make a new Branch therefrom.

liv. An Act for amending and enlarging the Powers of an Act for establishing a Floating Bridge or Bridges over the Harbour of *Portsmouth* in the County of *Southampton*.

lv. An Act for improving the *Dartford* and *Crayford* Creeks in the County of *Kent*, and for making a Diversion in the Line of the said *Dartford* Creek, and other Works connected therewith.

lvi. An Act to authorise the Company of Proprietors of the *Birmingham* Canal Navigations to extend and alter the Line of their intended Cut or Canal from *Dank's* Branch to *Salford Bridge;* and to grant further Powers to the said Company.

lvii. An Act for making and maintaining a navigable Cut or Canal connecting the *Warwick* and *Birmingham* Canal with the *Birmingham* Canal, commencing by a Junction with the *Warwick* and *Birmingham* Canal, in the Hamlet of *Bordesley* in the parish of *Aston-juxta-Birmingham* in the County of *Warwick*, and terminating by a Junction with the *Birmingham* Canal, near *Salford* Bridge, in the same Parish.

lviii. An Act to amend the Acts for supplying with Water the City and County of the City of *Exeter* and places adjacent thereto.

lix. An Act for granting certain Powers to the *Faversham* Oyster Fishery Company.

lx. An Act to amend, alter, and enlarge the Powers and Provisions of an Act of His late Majesty, for paving, cleansing, lighting, watching, and improving the Town and Parishes of *Gravesend* and *Milton* in the County of *Kent*, and for removing and preventing Nuisances and Annoyances therein; and to make further Improvements in the said Town and Parishes.

lxi. An Act to enable the Mayor, Aldermen, and Citizens of the City of *York* to widen, alter, and improve certain Streets or Thoroughfares called *Spurriergate* and *Coney Street*, in the said City.

lxii. An Act for establishing and maintaining a proper and effective Watch on the River *Wear* in the Port or Haven of *Sunderland near the Sea* in the County of *Durham*.

lxiii. An Act for regulating and maintaining the Markets and Market Place in the Township of *Tunstall* in the Parish of *Wolstanton* in the County of *Stafford*.

xliv. An Act for making a Turnpike Road from *Greenhill Moor* to *Eckington* in the County of *Derby*.

lxv. An Act for making and maintaining several Roads leading from the Town of *Maiden Newton* in the County of *Dorset*, and other Roads communicating therewith, in the Counties of *Somerset* and *Dorset*.

lxvi. An Act for further and more effectually repairing and maintaining several Turnpike Roads in the County of *Roxburgh*.

lxvii. An Act for further and more effectually repairing and maintaining certain Turnpike Roads in the County of *Elgin*.

lxviii. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Tavistock* and other Places in the Counties of *Devon* and *Cornwall*.

lxix. An Act for the more easy Recovery of Small Debts within the Parishes of *Kingsnorton* and *Northfield* in the County of *Worcester*.

lxx. An Act to enable the *Duffryn Llynvi* and *Porth Cawl* Railway Company to raise a further Sum of Money, and to amend the Acts relating to the said Railway and to the Bay of *Porth Cawl* in the County of *Glamorgan.*

lxxi. An Act to enable the *Port Talbot* Company to raise further Monies, and to amend the Acts relating to the same Port.

lxxii. An Act to amend an Act of the Fifty-seventh Year of King *George* the Third, intituled *An Act for fixing the Dues, Duties, and Payments for all Goods, Wares, and Merchandise landed on or shipped from the Pier or Quay of the Town of* Penzance *in the County of* Cornwall, *and on all Ships and Vessels resorting to the said Pier or Quay, or to the Harbour of* Penzance; and for making and maintaining an additional Pier and Dock within the said Harbour.

lxxiii. An Act for improving, enlarging, and maintaining the Harbour of *Fisherrow* in the County of *Edinburgh.*

lxxiv. An Act for equalizing, defining, and regulating the Petty Customs, and for facilitating the Collection thereof and of the Quay Dues payable to the Mayor, Aldermen, and Burgesses of the City and Borough of *Exeter*, and for preserving the Navigation of the River *Exe.*

lxxv. An Act for regulating the Markets and for erecting a Market House in the Town of *Launceston* in the County of *Cornwall.*

lxxvi. An Act for better lighting and cleansing the Town of *Kingston-upon-Hull*, and certain Parts of the Liberty of *Trippett* within and Part of the Municipal Borough of *Kingston-upon-Hull.*

lxxvii. An Act for regulating the Buildings and Party Walls within the City and County of *Bristol*, and for widening and improving several Streets within the same.

lxxviii. An Act for better supplying with Water the Town and County of the Town of *Newcastle-upon-Tyne* and Borough of *Gateshead*, and the Places adjacent thereto, in the Counties of *Northumberland* and *Durham.*

lxxix. An Act for better supplying with Water the Town and Borough of *Belfast.*

lxxx. An Act for repairing and maintaining the Road from *Tadcaster* to *Halton Dial*, and for making and maintaining a new Road from *Seacroft* to and into the Highway leading from *Scholes* to *Barwick-in-Elmet*, all in the West Riding of the County of *York.*

lxxxi. An Act to amend the Provisions of the Acts relating to the Turnpike Roads leading to and from the City of *Exeter*, and for making a new Branch Road to Communicate therewith.

lxxxii. An Act for more effectually making, repairing, and maintaining certain Turnpike Roads in the Counties of *Nairn* and *Inverness.*

lxxxiii. An Act for making certain Roads and Branches connected with the new Bridge now erecting over the River *Dove* near the Village of *Rocester* Turnpike, with proper Deviations, Works, and Conveniences, and new Pieces of Road connected therewith, and Approaches thereto, in the Counties of *Derby* and *Stafford.*

lxxxiv. An Act for repairing the Road from the *Maidstone* Turnpike Gate on the *Loose* Road in the Parish of *Maidstone* in the County of *Kent* to *Newcastle* in the Parish of *Biddenden*, and a Branch Road to the *Thorn* in the Parish of *Smarden* in the same County.

lxxxv. An Act for establishing a general Cemetery in the Parish of *Holy Cross* and *Saint Giles* in or near the Town of *Shrewsbury* in the County of *Salop.*

lxxxvi. An Act for the Establishment and Government of the Institution called "The Royal Naval School."

lxxxvii. An Act to authorise the Appointment of additional Coroners for the County Palatine *Chester.*

lxxxviii. An Act to amend the several Acts relating to the *Belfast* charitable Society.

lxxxix. An Act to enable the Council of the Borough of *Liverpool* to raise Money upon Bonds.

xc. An Act for the more effectual Drainage of certain Lands called *Billinghay Fen*, *Billinghay Dales*, and *Walcot Fen*, *Walcot Dales*, and *North Kyme*, *East Fen*, and *Ings*, in the Parishes or Places of *Billinghay*, *Walcot*, *Dogdike*, *Hart's Grounds*, *Coningsby*, *Swineshead*, *North Kyme*, and *South Kyme*, in the County of *Lincoln.*

xci. An Act to amend an Act for enlarging the present or providing a new Workhouse for the Use of the Parish of *Stroud* in the County of *Kent;* for better governing, maintaining, and employing the Poor of the said Parish; and also for repairing or rebuilding the Church and Tower of the same Parish, and for other Purposes relating thereto.

xcii. An Act for supplying the Town of *Ayr*, and Suburbs of *Newton* and *Wallacetown*, and Places adjacent, in the County of *Ayr*, with Water.

xciii. An Act for explaining, altering, and amending the Mode of Assessment for the Maintenance of the Poor within the City of *Glasgow.*

xciv. An Act for enabling "The Marine Insurance Company" to sue and be sued in the Name of the Chairman or Deputy Chairman, for the Time being of the said Company.

xcv. An Act to enable "The Farmer's and General Fire and Life Insurance and Loan and Annuity Company" to sue and be sued in the Name of the Manager, Chairman, or any One of the Directors, or the Secretary of the said Company.

xcvi. An Act for granting certain Powers to the *British* Iron Company.

xcvii. An Act for establishing and regulating a Company, to be called "The *Edinburgh* Silk Yarn Company;" and to enable the said Company to purchase certain Letters Patent.

xcviii. An Act for forming a Company to be called "*Kollmann's* Railway Locomotive and Carriage Improvement Company," and for enabling the said Company to purchase certain Letters Patent.

xcix. An Act to incorporate the Trustees and others, Directors of the *Crichton* Royal Institution for Lunatics at *Dumfries*, and for the better enabling them to carry on their charitable Designs.

c. An Act for repairing, improving, and maintaining the Road from *Bedford* to *Woburn*, with a Branch therefrom, all in the County of *Bedford.*

ci. An Act to make, alter, improve, and maintain certain Roads in the Counties of *Stirling*, *Dumbarton*, *Lanark*, and *Perth.*

cii. An Act for making and maintaining certain Turnpike Roads in the Stewartry of *Kircud-*

bright. and the other Highways, Bridges, and Ferries therein, and for more effectually converting into Money the Statute Labour in the said Stewartry.

ciii. An Act to alter and amend certain Acts for making and maintaining a Road from the Limits of the Counties of *Edinburgh* and *Lanark* by *Wilsontown* into the Burgh of *Lanark*, with a Branch towards *Ravenstruther* in the said County of *Lanark;* and for other Purposes relating thereto.

civ. An Act for separating the Management of the *Ardrossan* and *Johnston* Railway from the Management of the *Glasgow, Paisley*, and *Johnston* Canal; for incorporating the Proprietors thereof; for doubling and improving the said Railway; and for other Purposes relating thereto.

cv. An Act to amend and enlarge some of the Provisions of the Act relating to the *Birmingham, Bristol*, and *Thames* Junction Railway; and to authorize the Company to raise a further Sum of Money for the Purposes of the said Undertaking.

cvi. An Act to alter and amend the Acts passed for making a Railway from *Dublin* to *Drogheda.*

cvii. An Act to amend and enlarge the Powers and Provisions of the Act relating to the *Glasgow, Paisley*, and *Greenock* Railway, and to make certain new Branch Railways from the Main Line in the Towns of *Greenock* and *Port Glasgow*, and to make other Works in connection with the said Railway.

cviii. An Act to amend the Act relating to the *Edinburgh* and *Glasgow* Railway.

cix. An Act to enable the *Hartlepool* Dock and Railway Company to raise a further Sum of Money, for completing their Undertaking; and enlarging the Time for completing the same; and for amending the Acts relating thereto.

cx. An Act to amend the Acts relating to the *Taff Vale* Railway.

cxi. An Act for erecting and maintaining a Pier and other Works in *Mill Bay* in the Port of *Plymouth* in the County of *Devon.*

cxii. An Act for opening a Street to *Clerkenwell Green* in the County of *Middlesex*, in continuation of the new Street from *Farringdon Street* in the City of *London.*

cxiii. An Act for better supplying with Water the Town and Borough of *Deal*, and the Neighbourhood thereof, in the County of *Kent.*

cxiv. An Act for regulating the Municipal Government and Expences of the Royal Burgh of *Banff, North Britain;* for establishing an effective Police within the same; and also for maintaining, improving, and regulating the Harbour of the said Royal Burgh.

cxv. An Act for forming and establishing a Company to be called "The General Salvage Company," and for enabling the said Company to purchase certain Letters Patent.

cxvi. An Act for improving the Roads leading from *Newcastle-under-Lyme* to *Blyth Marsh*, from *Cliff Bank* to *Shelton*, from *Fenton* to *Hem Heath*, and from *Shelton* to *Newcastle-under-Lyme;* and for making and completing certain new Pieces of Road to communicate therewith; all in the County of *Stafford.*

cxvii. An Act to alter and amend an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, and the Acts therein recited, so far as the same relate to the Road to *Provan Mill* commonly called the *Garngad Road;* and for other Purposes relating thereto.

cxviii. An Act for farther deepening and improving the River *Clyde*, and enlarging the Harbour of *Glasgow*, and for constructing a Wet Dock in connexion with the said River and Harbour.

cxix. An Act for regulating, preserving, improving, and maintaining the River, Port, and Harbour of *Dundalk* in the County of *Louth* in *Ireland.*

cxx. An Act for regulating certain intended Docks at *Liverpool* to be called the *Herculaneum* Docks, and exempting Vessels frequenting the same, and their Cargoes, from a Portion of the Tolls and Duties payable to the Trustees of the *Liverpool* Docks.

cxxi. An Act to enable The *Harrington* Dock Company to sue and be sued in the Name of any Member or Officer of the said Company; and to exempt all Vessels using the Docks belonging to the said Company, and all Goods shipped or discharged therein, or on the Estate of the said Company, from the Payment of certain Rates, Tolls, or Duties to the Trustees of the *Liverpool* Docks.

cxxii. An Act to alter, amend, and enlarge the Powers and Provisions of an Act for removing the Markets held in the *High* and *Fore Street* and other Places within the City of *Exeter*, and for providing other Markets in lieu thereof.

cxxiii. An Act for establishing an improved Ferry between the Western Part of the Parish of *Erskine* in the County of *Renfrew* and *Dumbarton* in the County of *Dumbarton.*

cxxiv. An Act to authorize the Trustees of the River *Weaver* in the County of *Chester* to apply Part of the Funds arising from the Rates and Duties payable in respect of the Navigation of the said River for the erecting and endowing One or more Church or Churches for the Accomodation of the Watermen, Hawlers, and others employed upon the said River and connected with the Traffic thereof.

cxxv. An Act to amend and render more effectual, so far as relates to the Lord *Scudamore's* Charity Monies, the Provisions of an Act passed in the Fourteenth Year of the Reign of His Majesty King *George* the Third, for improving the City of *Hereford*, and for other Purposes connected with the said City.

cxxvi. An Act to enable "The *Monmouthshire* Iron and Coal Company" to sue and be sued in the Name of any One of their Directors or their Secretary, and to raise Money for carrying on their Works.

cxxvii. An Act to amend and enlarge the Powers and Provisions of the several Acts relating to the *London* and *Greenwich* Railway.

cxxviii. An Act to enable the *London* and *Greenwich* Railway Company to provide a Station in the Parish of *Saint Olave* in the Borough of *Southwark* and County of *Surrey.*

cxxix. An Act to enable the *London* and *Croydon* Railway Company to provide additional Station Room at the Terminus of the *London* and *Greenwich* Railway in the Parish of *Saint Olave*, and for other Purposes relating thereto.

cxxx. An Act for granting further Powers to the Midland Counties Railway Company.

cxxxi. An Act to continue for Four Years, from the Fifth Day of *July* One thousand eight hundred and fifty-eight, the Duties now levied on Coal and Wines imported into the Port of *London.*

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER, AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for inclosing Lands in the Parish of *Garboldisham* in the County of *Norfolk*.
2. An Act for inclosing Lands in the Parishes of *Freethorpe*, *Limpenhoe*, and *Reedham*, in the County of *Norfolk*.
3. An Act for inclosing Lands in the Township of *Allerton* in the Parish of *Bradford* in the West Riding of the County of *York*.
4. An Act for inclosing Lands in the Parish of *Hagbourne* otherwise *East Hagbourne* in the County of Berks.
5. An Act for effecting an Exchange between the Master, Fellows, and Scholars of the College of the Holy and Undivided Trinity in the University of *Cambridge* and *Daniel Gurney* Esquire.
6. An Act for inclosing Lands in the Parishes of *Whittlesea Saint Mary* and *Whittlesea Saint Andrew* in the County of *Cambridge*.
7. An Act for inclosing Lands in the Parish of *Thriplow* in the County of *Cambridge*.
8. An Act to enable the Trustees of the Will of the late *Roger Forrest* the elder to make Grants in Fee, and Leases for Years at reserved Rents, of certain Parts of his Trust Estates, situate in the Parish of *Blackburne* in the County of *Lancaster*.
9. An Act for inclosing Lands in the Township of *Great Milton* in the County of *Oxford*.
10. An Act for inclosing Lands in the Manor of *Dronfield* in the County of *Derby*.
11. An Act for inclosing Lands in the Parish of *Llangerniew* in the County of *Denbigh*.
12. An Act to enable the Rector of *Weybridge* in the County of *Surrey* for the Time being to grant Building Leases of Lands in the said Parish belonging to the said Rectory.
13. An Act for inclosing Lands in the Parish of *Stoke Bruern* and the Hamlet of *Shutlanger* otherwise *Shuttlehanger* in the said Parish of *Stoke Bruern* in the County of *Northampton*.
14. An Act for inclosing Lands in the Parish of *Wicken* in the County of *Cambridge*.
15. An Act for inclosing Lands in the Parish of *Quainton* in the County of *Buckingham*.
16. An Act for inclosing, dividing, and allotting certain Lands in the several Parishes of *Saint Harmon, Nantmel, Llanyre, and Llanvihangel Helygan*, in the County of *Radnor*.
17. An Act for enabling the Trustees of the Will of *David Woodhouse* Gentleman, deceased, to sell Hereditaments thereby devised, and other Hereditaments subsequently conveyed to them, situate in the Parishes of *Crich* and *Ashover* in the County of *Derby*; and to lay out the Money arising therefrom in the Purchase of other Estates, to be settled to the same Uses.
18. An Act to enable the Trustees of the Marriage Articles of *Thomas Bacon* Esquire to grant a new Lease *to Richard Hill* and *Anthony Hill* Esquires of an Iron Furnace, and Works and Mines, Privileges and Hereditaments held therewith, called *Plymouth Works*, in the Parish of *Merthyr Tydvill* in the County of *Glamorgan*.
19. An Act to discharge the Advowson of the Rectory of *Doddington* otherwise *Dornington*, with the Chapels of *March* and *Benwick*, from Rent-charges and Portions charged by Settlements affecting the same.
20. An Act for extending the Powers of Sale and Exchange contained in the Will of *George Isaac Mowbray* Esquire, deceased, and for other Purposes.
21. An Act to enable the Trustees of the Estates of *Walter Stanley* Esquire, deceased, to grant Building Leases.
22. An Act to authorize the Sale of a Mansion House purchased under the Trusts of the Will of the late *John Julius Angerstein* Esquire, deceased, and to authorize Leases to be made of the same, and also of certain Lands devised by the said Will.
23. An Act to enable the Trustees of *Boteler's* Free Grammar School at *Warrington* in the County of *Lancaster* to effect a Sale to *John Wright* Esquire of an Estate called the *Arrowe* Estate, in *Arrowe* in the County of *Chester*; and also to sell, exchange, and lease certain other Estates belonging to the said School; and also for the general Management of the said School; and for other Purposes.
24. An Act to vest certain Parts of the Lands and Estates comprised in the Deed of Entail executed by the deceased *Alexander Hamilton* of *Pencaitland* on the Thirty-first Day of *January* One thousand seven hundred and forty-seven, now in the Possession of *Mary Hamilton Campbell* Lady *Ruthven* as Heiress of Entail thereof, in Trustees, in Trust to sell the same, and apply the Proceeds. and also certain Sums arising from Sales of Parts of the said Lands under the Authority of an Act of Parliament passed to that Effect, towards the Payment of the Debts affecting the Lands and Barony of *Winton*, also in the Possession of the said Lady *Ruthven* as Heiress of Entail thereof, so as that the said Lands and Barony of *Winton*, free and disburdened of Debt, may descend along with the Estate of *Pencaitland* to the same Heirs of Entail.
25, An Act for vesting certain Parts of the Estates devised by the Will of *Robert Shuttleworth* Esquire, deceased, in Trustees for Sale; and for authorizing Grants in Fee, and Building Leases for long Terms of Years, of the Residue of the same Estates; and for other Purposes.
26. An Act to enable *Richard Gravenor* and *John Wood*, the Committees of the Estate of *Robert Gravenor*, a Lunatic; to make Conveyances for carrying into execution a Partition or Division of Lands and Tenements directed by a Decree of the High Court of Chancery.
27. An Act to effect a Sale of an Estate in the Parishes of *Tong* and *Shiffnall* in the County of

Salop called *Ruckley Grange*, and for applying the Purchase Money in discharge of Incumbrances, and other Purposes.

28. An Act for inclosing *Swingfield Minnis* otherwise *Folkestone Common* within the Manor, Hundred, Barony, and Royalty of *Folkestone* in the County of *Kent*.

29. An Act for vesting certain Parts of the Entailed Estates of *Archibald* Lord *Douglas* of *Douglas*, lying in the County of *Forfar*, in Trustees, for the Purpose of feuing the same.

30. An Act to enable the Right Honourable *John Savile Lumley Savile* Earl of *Scarborough* to grant Leases of Coal Mines and other Mines and Minerals and Quarries under the Estates in the County of *York* comprised in or subject to the Uses of an Indenture of Appointment and Release of the Twenty-eighth Day of *May* One thousand eight hundred and twelve; and to make Conveyances in Fee, or Demises for long Terms of Years, of the same Estates, for building, repairing, or otherwise improving the same, under yearly Rents or other Reservations respectively; and to grant the Right and Privilege of making, laying down, and using Wayleaves, Railroads, or other Roads through or over any of the said Estates, under yearly or other Rents or Reservations.

31. An Act to enable *William Chambers* Esquire, and others, to grant Mining, Building, and other Leases of certain Estates in the Counties of *Carmarthen* and *Glamorgan*, devised by the Will of Sir *John Stepney* Baronet, deceased.

32. An Act for empowering the Tenant for Life under the Will of *Anthony Gregson* Esquire, deceased, and the Trustees of the same Will, to sell and exchange certain Freehold Estates situate in the County of *Northumberland* and in the Town and Borough of *Berwick upon Tweed*, and certain Tithes respectively devised by such Will; and also to grant Mining and other Leases of the said Estates in the County of *Northumberland*, and of certain other Freehold Estates devised by the same Will situate in the County Palatine of *Durham;* and to grant Building, Repairing, and other Leases of the said Estates in the Counties of *Northumberland* and *Durham*, and Town and Borough of *Berwick upon Tweed*.

33. An Act for enabling the Revocation of a Term of Ninety-nine Years, and the Trusts thereof, affecting the Settled Estate of *John Whalley* Esquire.

34. An Act for the Continuance of certain Powers contained in the Settlement on the Marriage of *Charles Mostyn* Esquire, now deceased, and for authorizing the Investment of the Monies to arise under the Powers of Sale and Exchange contained in such Settlement in the Purchase of Estates in *Ireland* as well as in *England* and *Wales*.

35. An Act to enable the Trustees of the Will of the late Duke of *Bridgewater* to make Conveyances in Fee or Demises for long Terms of Years of Parts of his Trust Estates in the Counties of *Lancaster* and *Chester*, for building on and improving the same; and to grant Leases of Coal and other Mines, and of Waste Lands; and also for removing Doubts as to the Right of nominating a Minister to the Church or Chapel lately erected by the Right Honourable Lord *Francis Egerton* on Part of the said Trust Estates.

36. An Act for authorizing the Exchange of Parts of the Lands and Estates settled by the Will of the late *Charles Bowyer Adderley* Esquire, and the Sale of other Parts thereof.

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NOT PRINTED.

37. An Act for naturalizing *Charles Fiers*.

38. An Act for naturalizing *Samuel Swain*.

39. An Act for naturalizing *Friedrich Ludwig Leopold Hausburg*.

40. An Act for naturalizing *August Wilhelm Bernhard Promoli*.

41. An Act to dissolve the Marriage of *James Perry* Esquire with *Elizabeth Margaret* his Wife, and to enable him to marry again; and for other Purposes.

42. An Act to dissolve the Marriage of *George Lloyd* Esquire with *Athalie Pulcherie Clotilde* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

43. An Act for naturalizing *Frederick Shultze*.

44. An Act for naturalizing *Arnold Julius Wolff*.

45. An Act for naturalizing *Gregorio José Martinez del Rio*.

46. An Act for naturalizing His Excellency Don *Lorenzo* Duke *Sforza Cesarini*.

47. An Act for naturalizing *Alexander Liebert*.

48. An Act to dissolve the Marriage of *Ann Battersby* with *Arthur Battersby* her now Husband, and to enable her to marry again; and for other Purposes therein mentioned.

49. An Act to dissolve the Marriage of *Joseph Groome Deane* with *Rachel* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

50. An Act to dissolve the Marriage of *Jonathan Warr* with *Betty* his now wife, and to enable him to marry again; and for other Purposes therein mentioned.

51. An Act to dissolve the Marriage of *Alexander Grant* Esquire with *Maria Theresa* his now Wife, and to enable him to marry again; and for other Purposes.

52. An Act to dissolve the Marriage of *James Close* with *Louisa* his now Wife, and to enable him to marry again; and for other Purposes.

53. An Act to dissolve the Marriage of *Edward William Trafford* Esquire with *Louisa* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

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TO THE THIRD SESSION OF

THE THIRTEENTH PARLIAMENT OF THE UNITED KINGDOM,

3/4 VICTORIÆ,

1840.

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LONDON:
THOMAS CURSON HANSARD, PATERNOSTER ROW.